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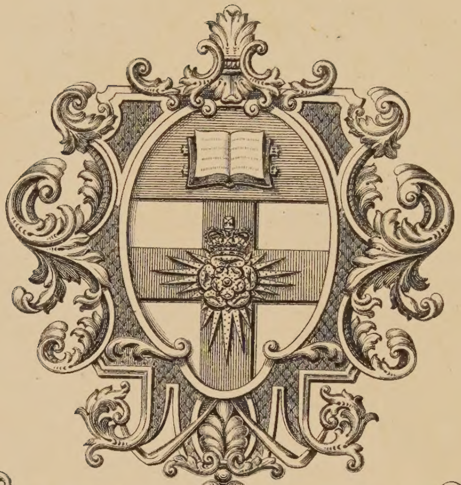

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TO

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Fifth and last Volume of the Session.

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1844.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE *FOURTH SESSION* OF THE *FOURTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET 11 NOVEMBER, 1841, AND FROM THENCE CONTINUED TILL 1 FEBRUARY, 1844, IN THE SEVENTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, June 27, 1844.

MINUTES.] BILLS. *Private.* — 1^{a}· Bishop of London's Estate; North Wales Mineral Railway; Newport (Monmouth) Dock; Bowyer's Estate.

2^{a}· Rochdale Improvement.

Reported. — Hitchin's (or Peach's) Estate; London and South Western Railway.

PETITIONS PRESENTED. By Bishops of Lincoln, Lichfield, Salisbury, and London, Marquess of Downshire, and Earls Powis, and Galloway, from Ipswich, and a great number of other places, against the Dissenters Chapels Bill.—By Earl of Rosebery, from several places in Scotland, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland. — From Synod of Moray, and other places, against the Parishes (Scotland) Bill.—From Perth, and 3 other places, for the Abolition of Religious Tests in Scotch Universities.—By Earl of Bandon, from Castle Townsend, and 2 other places, for the Extension of Scriptural Education in Ireland.—By Lord Ashburton, from Society of Painters in Water Colours, for Legalizing the proceedings of Art Unions.—By Marquess of Exeter, and Lord Beaumont, from Parishes of Stowe, and several other places, for Protection to Agriculture.—By Duke of Sutherland, from Presbytery of Caithness, for Improving the Condition of Scotch Schoolmasters. — From County of Denbigh, against the Union of St. Asaph and Bangor.

WORKHOUSES IN IRELAND.] The Marquess of *Clanricarde* rose, pursuant to notice, to move for "Copies of any Declarations in Ejectments or Notices to quit, that have been served upon the Poor Law Commissioners in Ireland or upon the Guardians of any Union." Perhaps it might seem extraordinary to their Lordships, considering the very short time the guardians of unions and the Poor Law Commissioners in Ireland had been in possession of premises that they should so soon have been served with ejectments for non-payment of rent: but he begged to assure their Lordships the Return to the Order would not be *nil*, while it would be of such a nature as to illustrate in a remarkable manner, the working of the Poor Law in that country. In fact, his object in bringing forward the subject, was chiefly to elicit from the Government their opinion as to the steps which it would be advisable for Parliament or the Government to take relative to the Irish Poor Law, and particularly with regard to that portion of the subject which was included in the Report of Mr. Pennethorne. It was a most important Report, and fully sustained the objections which had been made at different times against the Poor Law in Ireland, when passing through

Parliament, and since it had come into operation, and also against the manner in which the Commissioners were carrying it out. Mr. Pennethorne divides the matter of his inquiry into different heads, the chief of them being the mode in which the workhouses had been executed, the supply of water to them, their drainage and sewerage, and the immense amount of the extra charges which had been made in reference to them. Regarding the execution of the works, Mr. Pennethorne showed that the complaints of the guardians upon that subject were well founded—in a word that the execution of the works was extremely bad. Mr. Pennethorne visited fifty-eight workhouses, and these he classed according to their relative degrees of goodness, or rather badness in this way;—that thirteen were substantial buildings, that nine were excessively bad, and that the remaining thirty-six might be regarded as substantial buildings, but yet could not be considered as stanch or waterproof. That would give their Lordships a fair general notice of the way in which the works had been executed in Ireland. Respecting drainage, sewerage, and a sufficient supply of water, it was scarcely possible to suppose, what Mr. Pennethorne, however, clearly showed in his Report, that any man of common sense and understanding in his business should have commenced buildings of the magnitude and importance of workhouses, and yet have overlooked these very important points. He had heard of an amateur who in building a house omitted the staircase: but how a professional man in the construction of a workhouse could have forgotten such essential points as drainage, sewerage, and a supply of water, he was really at a loss to know. Mr. Pennethorne told them that in the specification for each building there was a Clause requiring the contractor to give a sufficient supply of water, but that was, to use his own words, "of course inoperative from its vagueness." Respecting drainage he said, that "it was in August, 1840, when upwards of 100 workhouses had been contracted for, and many were advancing towards completion, the plan for the drainage of workhouses was first issued from the Poor Law Office, No drains were shown in the contract plans or working drawings." He did not believe that those drains had been forgotten; but if they had, it only showed the impropriety of the Commissioners in employing a person as architect who could be so ignorant of his profession as to omit, or so neglectful of his duty as to forget, such important points. Then, as regarded the complaints of the guardians about extra expenses caused by making up for the omissions in the original plans, Mr. Pennethorne stated that those complaints were almost universal, and that the guardians making them considered themselves to have been deceived by the Poor Law Commissioners. Their Lordships might think, perhaps, that the question of drainage, for instance, was not very important in connexion with these complaints, and that the expense of making a drain must be very trifling; but if they would turn to page 14 of Mr. Pennethorne's Report, they would there find that where the amount provided by the original contract was only 82*l.*, the extra charge was 651*l.*, the total cost for drainage in connexion with one workhouse, being, therefore, 733*l.* Mr. Pennethorne well remarked, that works of this expensive nature ought to have been well considered and determined on in the original plan, and should have been included in every contract; that it appeared to him extraordinary they did not at least form a part of the contracts signed after August 1840; that it was not until August 1840, any order on the subject had been issued from the Poor Law Office, and, what he thought more extraordinary, that when the order was issued, it should not have been in a manner to prevent a recurrence of the evil, and prevent those extra charges subsequent to the period when nearly 100 workhouses were completed. To give their Lordships an idea of this extra expenditure, he would state the case of the Armagh workhouse. The amount of the original contract was 7,200*l.*; bill for extra works, 2,315*l.*; bill for fixtures fittings, &c., 1,005*l.*, making a total of 10,521*l.*, which the Guardians were ultimately called on to pay, although the extra expenses were, in this as in other cases, in direct contradiction to their recommendations. Mr. Pennethorne calculated that the total cost of the 130 workhouses, including sites, fixtures, fittings, and contingencies, would probably be about 1,170,000*l.*, that the total amount of extra bills was 225,000*l.* and that of this sum 50,000*l.* had been wrongfully expended and wrongfully charged against the unions. He (the Marquess of Clanricarde) did not know how

Mr. Pennethorne had arrived at this calculation, having only visited fifty-eight of the workhouses; but this he knew, that in several which Mr. Pennethorne did not visit the extra charges were just as great as those mentioned in his Report. The Irish Poor Law was grounded on the calculations made by Mr. Nicholls; but those who impugned the justness and the principle of the measure also impugned those calculations. They said it was absurd to suppose, as Mr. Nicholls had alleged, that an expenditure of 800,000*l.* would be sufficient to establish it, and he could not help thinking, whether it was found out to be absurd or not, that a desire had been evinced to conceal the real extent of the expenditure, and keep the Irish public as much as possible in the dark on the subject. They said, moreover, that it would not be possible to bring the measure into operation under an expense of 1,000,000*l.* Mr. Pennethorne, in his Report, stated that Mr. Nicholls was perfectly free from the remotest suspicion of anything like peculation or dishonesty, and in that statement he (the Marquess of Clanricarde) fully concurred, because he believed that a more honourable or upright man could not be found; but it often happened that a man of excellent character in private life, and of excellent judgment generally, was sometimes so carried away upon a particular subject as to be no longer trustworthy as an authority in reference to it. However sound and sober Mr. Nicholls' judgment was on other subjects, he was the last person whose judgment they ought to follow upon this question. That was his (Lord Clanricarde's) impression ever since he had read that Gentleman's Report. But such had been the anxiety to impose the Poor Law upon Ireland, that in defiance of all sound calculations it was persisted in and followed up by keeping the people in the dark respecting the real effects of it. Mr. Pennethorne said that the staff for carrying the Bill into operation was quite inadequate, and as an evidence of this he observed, that but one single architect had been engaged to erect the whole of the workhouses—130. When it was said that it was impossible for one man to do justice to the undertaking, the objection was answered by stating that it was done through the desire of economising; but there was no economy as Mr. Pennethorne told them, in erecting buildings in a way that would require them to undergo repairs in a few years. The attempt to conceal the real amount of the charges from the public mind was part of the same system. The difficulty, whatever it was, ought to have been boldly encountered, and the law carried properly into effect. He would now call their Lordships' attention to the Appendix attached to Mr. Pennethorne's Report, and signed by Mr. Nicholls and Mr. Wilkinson, the architect. This he did not consider a fair proceeding towards Mr. Pennethorne, because an Appendix to a Report was generally considered to be a document which the Commissioner himself considered necessary to explain the details which he submitted in the body of his Report. But there it was the very reverse; here, instead of being a guide, it established a controversy. What did Mr. Nicholls say in that Appendix? What was his argument, or rather his appeal *ad misericordiam*, for such it was at best? Mr. Nicholls said:—

> "I certainly never supposed that our proceedings in Ireland would be exposed to the kind of ordeal to which they have been subjected by the inquiry which Mr. Pennethorne was commissioned to institute, and by the Report which he had made. If I could have anticipated such a result, even all my earnest wishes to serve and benefit the Irish people would hardly have induced me to enter upon the task, which was, moreover, not of my own seeking, but was imposed upon me by the too partial opinion formed of my own fitness for the duty by a Secretary of State, at whose request I consented to undertake it."

What did this mean? Why, that there was to be no inquiry? And yet they had been told twenty times over, that the Commissioners were responsible to the Government, and the Government to Parliament. But what signified responsibility if there was to be no inquiry? Surely Mr. Nicholls ought not to shrink from inquiry. But what was his real complaint?

> "I do not, (he said), complain of Mr. Pennethorne's appointment to inquire professionally into the execution of the workhouse buildings, but I do complain that he was sent on this mission without being assisted by some one acquainted with building operations in Ireland; and, above all, I complain and lament that he did not communicate with Mr. Wilkinson before committing himself, as he has done, on various points respecting which no one but Mr. Wilkinson could have afforded him full and necessary information."

What was the meaning of appointing Mr. Pennethorne if he was to go to Mr.

Wilkinson for information which their Lordships already had before them? Mr. Pennethorne did much better; he collected his information on the spot; he executed his work with zeal, and, as his Report showed, with great judgment. Mr. Nicholls, speaking of the beneficial results of the measure, ended his letter by saying, that

> "These results may be hastened or retarded according as the measure is worked, and as it is more or less exposed to the assailment of party or conflicting influences;"

And in the commencement of the Report of this year (the 10th Annual Report) he attributed the resistance which the Poor Law met with in Ireland to political agitation.

> "The administration of relief to the poor (he said) was attended with difficulties which arose in a great measure from the political agitation going on in the country."

Now, there never was a more unfounded charge. It was his (Lord Clanricarde's) firm belief that if it had not been for the existence of that agitation and those political differences which distracted the country that they should have been by this time rid of all the objectionable parts of the Poor Law, for the whole of the Irish people would have united against them. He therefore called upon their Lordships not to give too full a credence to the statements in these Reports. He did not mean to say that they were in all instances incorrect, but there was a great deal of important matter omitted, so as to prevent their Lordships from arriving at the real truth of the case. It was stated, for instance, that the violent resistance which had been made to the rates had been overcome, and the law vindicated. But what was the fact? Why, that in many parts of Ireland, in consequence of the agitation and the state of the country, great forces had been placed at the disposal of the authorities, but for which the poor-rates could not have been collected in those places. A very great force was employed; and the Commissioners talked of disturbed districts, and made a mighty boast of the rates they had recovered. But there was not one word about the means they used. On one day no fewer than 430 men were employed in a part of the Ballinasloe union. They were out two days, and they collected only 14*l.* The cavalry came forty miles to that collection. And in the case of Galway, besides the troops, there were also cars brought to carry away whatever could be got upon the ground; and those cars came sixty miles, from Athlone, and cost 7*s.* 3*d.* per day. He would venture to say that the rates they collected did not pay one-half nor one quarter of the expenses. Then the Commissioners talked of having put down resistance. Why, the amount due in the Autumn of 1843 was 5,211*l.*, and there remained uncollected upwards of 1,000*l.* Was that a proof of the resistance being put down? What was the case with respect to Tuam? The guardians of that union did not enforce the payment of the rate. Why? Because they could get no collectors. No man durst venture to act as collector. Was there no resistance there? Was it no sign of resistance when a man lost his life in the collection of the poor-rate? But the case of Tuam was so ridiculous that he must say a little more about it. The guardians were the envy or wonder of all the unions around them, because they would not open their workhouse. A master, a matron, a medical officer, and a porter had been appointed, and some of those persons lived in the workhouse, but there was not a single pauper in it. The guardians would not open the workhouse because they could not collect the rate. The Commissioners had in vain sent down their imperative orders that the workhouse should be opened; the guardians persisted in their refusal to do so. At a meeting of the guardians, one of the body proposed that in future the public should be admitted; but the rest immediately rose *en masse* and protested against it. What was the reason? A tradesman in the town had an execution against the furniture of the house, and if the public were admitted, of course the sheriff's officers would get in, and the goods would be seized. These were matters to which Mr. Pennethorne's inquiry did not go entirely, for those workhouses were not visited by him. But his Report, as far as it went, confirmed the complaints which he (the Marquess of Clanricarde) and others made, and afforded good reason for believing that other complaints rested on good grounds. No doubt he should be told that the complaints came from a particular part of Ireland, and that in other places the law worked well. Suppose that to be true, still his accusation was against the law and against the Commissioners; for, according to the power which had been given them, he had a right to blame them. He had a right to come to the House and the Government, and to ask them to go into an inquiry into this law, with a view to make alterations in it. They ought to insist upon inquiry, because when the law was proposed, and the Report of Mr. Nicholls was before their Lordships, their attention was not directed to the rich districts of Ireland, but to those very parts where poverty and destitution prevailed. That was the way in which their Lordships were induced to agree to pass the law. His observations applied to the whole of Connaught; not excepting Ballinasloe, Westport, Ballinrobe, where the workhouse has been opened and closed again, and other places. He did not deny that some good had been done; undoubtedly a great many persons had been relieved; but that was not the way to look at a great system like this. They were bound to see whether all the effects intended were produced. No doubt many acts of charity had been performed. The Commissioners had put forth a selection of some twenty or thirty cases, very bad cases; indeed, none could be more pitiable; but if their Lordships would refer to them, they would find that every one of those cases was a case for the hospital, and not for the workhouse. There was not a single person of them all in health; in not one of them was an able-bodied pauper requiring relief. It was a great charity, certainly, to receive those persons into the infirmary; but when they made the law, they understood they were making a law to relieve the able-bodied poor in time of necessity. Practically, then, this law was not a Poor Law. If an enquiry were established, he could show that for one quarter of the expense they might have hospitals erected for the sick and diseased, quite as useful as the workhouse hospitals. Of the adult men who applied for relief, hardly one of them was in good health. As to the women, they were mostly of that class to be found in the neighbourhood of towns, who were diseased and wanted to be cured; and certainly an unfortunate creature in such a state, having no home or place of refuge whatever, in the lowest state of destitution, could not be refused. Such were the persons who went into the workhouses, got cured, and left them. He did not mean to say that was not a great charity; but that was not a Poor Law. No man but Mr. Nicholls could ever believe that such a law as that could afford relief to the poor and ameliorate the condition of the labouring population of Ireland. But there was another point respecting which Lord Glengall had moved for certain Returns—he meant the children in the workhouses; and when those Returns should come before their Lordships he hoped they would seriously consider them, and he entreated the Government to give the subject their most anxious attention. He had never heard any man say that this system worked well in any part of Ireland. Often as he had asked "what do you mean to do with the children?" he had never heard even an attempt at an answer. But it was a most important question. They were raising up a large pauper population in Ireland, for which they had never thought of making the slightest provision. This had been found a difficult matter in England, where the parishes had been in the habit of putting the children out as apprentices to trades, and where labour was much dearer and better paid than in Ireland. There was no comparison between the two cases. Who would think of taking a child out of an Irish workhouse, considering the rate at which labour was there valued, and that there were hundreds and thousands of persons much more competent and able, anxious to be employed? Who would take a person so totally unfit for any service as a creature must be who was brought up in a workhouse, knowing nothing whatever of life and the business of the world? A few of the stronger ones might join the troops; but their Lordships never intended to found military colleges when they established workhouses in Ireland. But the mode in which they were reared would render them for the most part unfit for labour and hardship. They were kept in dry and warm lodgings, and brought up carefully. An Irish peasant was frequently compelled to work for hours in the rain, which a person brought up in a workhouse would not be able to endure, or, if he did, he must drag on a life burthened with a pulmonary or a rheumatic complaint. What, then, would these children do when they arrived at maturity? They must fall into bad practices, when they would be sent to gaol, and those who survived would in the end perhaps be transported, at an expense of hundreds of pounds, after having been brought up in a sort of boarding-school at the cost of the industrious ratepayer. So much for the men. But what would become of the women? That really was an important question—a question of morality. For these reasons, then, he begged their Lordships and the Government seriously to consider what was to be done in reference to the Poor Law in Ireland. He had said that he blamed the Commissioners: and so he did. They might have carried out the law in a very different manner; they might have conciliated the feelings of the people, and have obtained the assistance and co-operation of the gentry. Their power had been so great that they might have prevented many of the evils now existing. To those Commissioners even greater powers had been given than to the English Poor Law Commissioners; they had an unlimited power of taxation. They had, he might say, absolute rule. It was said that in consequence of the different circumstances of Ireland from those of England stringent rules could not be laid down; but the Commissioners should be at liberty to make the rules and regulations according to the varied circumstances of the several districts of Ireland. But had they done so? They ought to have exercised their power in a more mild, temperate, and rational manner. It was perfectly absurd to lay down a general rule to bring the whole country under a uniform system which was not fitted for it. Mr. Pennethorne said—"It would have been advantageous to the whole system had the Commissioners treated the guardians in a different tone." He was certain that on that point, as well as on others, Mr. Pennethorne was right. How had the guardians of Edenderry been treated? A paper had actually been printed by authority of Parliament, containing an accusation of perjury against Mr. Wolstenholme, their Vice Chairman. An affidavit and memorial had been sent to the Home Office by the guardians, and also Petitions to both Houses of Parliament, and on the 24th of August last a letter was written by the gentlemen calling themselves the representatives of the Poor Law Commissioners in Ireland. A very grand title! It seemed, that as Her Majesty had her representatives at foreign Courts, so the three kings at Somerset-house had their representatives in Ireland. That letter was printed and circulated among the Members of the House of Commons, stating that this gentleman had committed perjury. If there was any foundation for that charge, why was it not dealt with in a proper manner? But it was a charge wholly without foundation; The whole of the statement was a calumny. He had not the pleasure of knowing the Gentleman; but he knew that he was connected with more than one noble Peer in that House, and he had every reason to believe that he was entirely incapable of uttering that which was false wilfully. Upon what was the charge against him founded? The sum of 82*l.* had been charged for certain work. The Commissioners sent down their architect to examine the work, and he estimated the remuneration at 73*l.* only. Mr. Wolstenholme was asked his opinion, and he swore in the affidavit, "to the best of his belief, he could get the same work done at or for 10*l.*, and that having had the same sort of work done for himself, he was competent to give an opinion." It appeared that a Committee of the Board of Guardians proceeded to inquire into this case; and their opinion was, that the price which was originally charged, 82*l.*, and was then cut down to 73*l.*, by the architect of the Poor Law Commissioners, ought to be no more than 26*l.* for the work done. Mr. Wolstenholme, being a Member of the Committee, concurred in the adoption of that Report, though still retaining his opinion that a smaller sum would suffice, and therefore he was accused of perjury, because he had previously valued the work at 10*l.*, not having in the slightest manner retracted his original opinion. But what was the case? The Committee made an allowance of profit to the contractor, and they said also that public bodies paid more for work than private individuals. He believed, that since that time they had found out their mistake, and held a different opinion now. But if Mr. Wolstenholme, for those reasons, agreed to pay the 26*l.*, though he thought the work to be worth not more than 10*l.*, what was the honesty of the persons who decided upon paying 73*l.*? What title should be given to those who kept a man in their employment after such an act as that? He did not impute dishonesty to Mr. Wilkinson, who had valued the work at 73*l.*; but there was just as much ground for charging him with dishonesty as for accusing the Vice-Chairman of the Board of Guardians of perjury. If he had made out a case of grievance, and if Her Majesty's Government were convinced that different Boards of Guardians in Ireland had been improperly treated, he trusted that they would institute an inquiry. It was not the 50,000*l.* spoken of by Mr. Pennethorne that called for investigation; but if it could be shown that through the improper manner in which the Commissioners had carried out the work the unions had been put to great additional expense, then that charge should be considered. But the question of money was not the main question. The system ought to be examined, to see if it really would or could improve the condition of the people; and, if not, they should not be afraid to meddle with it boldly and fairly. The condition of the people of Ireland had not been essentially altered by the Poor Law. Upon the Report of 1833, their Lordships proceeded to enact a Poor Law; but that law had produced no alteration. No man; not even Mr. Nicholls, would venture to say that it had. Any favourable appearances which had been discernible must be attributed to good harvests, to a very great emigration from various parts of Ireland two years ago, to a great outlay of money, 1,100,000*l.*, chiefly in the works connected with the introduction of this very law, and at the same time the progress of other public works, as the Shannon improvement, employing several thousands of men. He hoped the Government would do justice to the matter, and look at the points he had mentioned and at the whole subject.

The Duke of *Wellington* said, he had no objection to the production of the documents to which the noble Marquess alluded. The noble Marquess, however, in moving for them, had thought it proper to enter into the consideration of the working of the Poor Law in Ireland; but it was impossible for him to follow the noble Marquess into the details which he had stated, and, above all, into some topics which were founded on papers not before the House. He agreed with the noble Marquess as to the importance of the Report of Mr. Pennethorne on the execution of works for poor-houses in different parts of Ireland, and the Report certainly showed that the complaints which had been made were justified to a very great extent. The noble Marquess objected to printing with the Report of Mr. Pennethorne some letters of the Poor Law Commissioners and Assistant Commissioners in Ireland, in contradiction and explanation of certain statements made in Mr. Pennethorne's Report. Now the Government, on reflection, thought that it was inexpedient to lay the Report on the Table alone, when they had the opportunity of putting statements on the Table with it, which would, in some respect, contradict, and in other respects explain, some passages in this document. On this ground the Government thought that it was only right and proper that Parliament should be informed of all the facts of the case, and not merely of a part of them, so as the better to enable it to come to a sound conclusion on the subject. In consequence of the publication of this Report, and the explanations of the Commissioners, a Committee had been appointed in the other House to inquire into the whole subject, and when that Committee had completed its inquiries and had made its Report, the Government would take up the subject, and would bring forward such measures as it deemed necessary, founded on the recommendations of the Commissioners. He believed that pretty much of the case urged by the noble Marquess would come under the consideration of the Committee and the Government, with the view to the adoption of some remedial measure. With respect to the other parts of the statement of the noble Marquess, he should have thought that the Act of last Session would have put an end to some of the difficulties in collecting the rates, as well as other parts which had been adverted to. But with respect to the whole subject of the Poor Laws, he expected that shortly a Bill would be laid before the House, and their Lordships would be able to deal with the whole subject. If it appeared to the noble Marquess that the provisions of that Bill required alterations, it would be competent for him to propose them, and he need hardly say that they would meet with every attention, as there must be every desire, on all sides, to adopt every step that would improve the working of the law. If the noble Marquess, when the Bill was before the House, thought that further inquiry was necessary, as far as he was concerned he should have no objection to such a proposition. The noble Marquess truly said, that the measure for the introduction of Poor Laws into Ireland was brought forward by the former Government; but still he (the

Duke of Wellington) had given it his support, as he believed that it would be productive of good to Ireland, and he still entertained sanguine hopes that this would be the case with respect to children in workhouses: no doubt the circumstances mentioned by the noble Lord demanded every consideration, and he trusted that some proper provision on the subject would be found in the Bill to be submitted to Parliament.

The Earl of *Mountcashel* pointed out several passages in the Report, showing the bad manner in which the workhouses were constructed, being damp and made of bad materials. The rates were unequally levied, and the Poor Law Commissioners went upon no fixed principle. It was highly objectionable that the military should be employed to enforce the payment of the rate, yet the 72nd Regiment (Highlanders) had gone from house to house to enforce the payment of the rates, by seizing upon articles. The measure itself was a most improper one, and never would have a beneficial effect. All classes, high and low, equally disapproved of it, and the law must become a dead letter.

The Marquess of *Clanricarde* said, he had heard with satisfaction the expression of the readiness of the noble Duke to grant an inquiry; but he (the noble Marquess) could not undertake to move for a Committee on the whole subject this Session. It was, indeed, a question of so much magnitude that it was difficult for any one but the Government to conduct an inquiry into it. He hoped that a Commission from the Crown might issue in the course of the vacation, so that early next Session they might be able to alter the law. If not, the House might then appoint a Committee.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 27, 1844.

MINUTES.] BILLS. *Public.*—1°. Turnpike Trust (South Wales).

3°. and passed:—Sugar Duties.

Private. — 3°. Kingston-upon-Hull Docks; Newport Docks.

PETITIONS PRESENTED. By Captain Maxwell, from Ballyjamesduff, against Dissenters Chapels Bill. — By several hon. Members (4), against Bank Charter Bill.—By Sir J. Graham, from Manchester Law Association, in favour of County Courts Bill; and against Superior Courts (Common Law) Bill.—By Admiral Dundas, from Greenwich, against Encroachments on the Park.—By Mr. Rutherford, from Musselburgh, against Prisons (Scotland) Bill.

RIGHT TO VOTE WHEN PERSONALLY INTERESTED.] On June 24th the following Report, was made by the undermentioned Committee to the House:—

> "That a Member of the House now sitting in Committee on the Middle Level Drainage and Navigation Bill, namely, the hon. Eliot Yorke, one of the Members for Cambridgeshire, had received an intimation that he ought not to vote on questions arising thereon, by reason of his interest in the said Bill: That the said Member has voted upon all questions coming before the Committee up to the 19th day of this instant June: That the said Member has placed his situation before the Committee; and at his request, the Committee desire the decision of the House on the following question, which fully declares the facts of the case:—Whether a Member of the House of Commons having property within the limits of an Improvement Bill, which property may be affected by the passing of the Bill, has such an interest as, in the judgment of the House disqualifies him as a Member of the House, and the representative of general local interests, from voting on all questions affecting the Preamble or Clauses of the said Bill?"

Mr. *E. Yorke* had then moved "That the vote of Mr. Eliot Yorke upon the Middle Level Drainage Bill is a good vote."

Mr. *Greene* had moved as an amendment thereon,—

> "That the rule and practice of this House is, that no Member shall vote upon any question in which he has a direct pecuniary interest: That where any Member has voted in violation of this rule, such vote when challenged in the House, has been disallowed: That every rule of the House applies equally to all Committees of the House: That a Member of the House of Commons having property within the limits of an Improvement Bill, which property will be affected by the passing of the Bill, has such an interest as disqualifies him as a Member of the House, and the representative of general local interest, from voting on all questions affecting the Preamble or Clauses of such Bill."

A debate had then taken place, which was adjourned and now resumed. On the question being again put,

Mr. *Estcourt* suggested that the Amendment of the hon. Member (Mr. Greene) should be withdrawn, and that the following Amendment should be adopted:—

> "That it is the undoubted rule and uniform practice of this House, that no Member shall vote (either in the House or in any Committee thereof) upon any question in which he has a direct pecuniary interest, separately belonging to him: That a Member having property, the value of which

may be directly affected by the passing of a Private Bill, so as that the value of such property may thereby be improved or injured, had such a separate and direct pecuniary interest in regard to such Bill as would disqualify him from voting upon any question relating to the proceedings on such Bill, whether in the House or in any Committee thereof."

In the discussion which ensued,—

Mr. *Wakley* observed, that the longer his experience in that House extended, the more he was convinced that it was one of the most extraordinary assemblages in existence. From the nature of the discussion which had occupied the House for the last hour, it would appear that the Members here were the most immaculate body of men in the world, and that they evinced great and laudable anxiety lest any Member should be allowed to vote on a matter in which he had a personal and private interest. Now, if the assertion of that principle were worth any thing —if hon. Members were really sincere in urging its adoption, what became of the decision of the House last night on the question of the Corn Laws? Why, two-thirds of those who voted against the repeal of those laws consisted of men who had a direct personal and private interest in the question. There was also the Sugar Duties Bill, which, by the way, stood on the orders for that evening. What became of the majority of those who voted on that Bill? Were they not men who had a direct personal interest in the question on which they had voted, and were again about to vote? And was any exception taken to the vote of any one of those hon. Members. Yet could any one get up in that House, and assert that these hon. Members had no interest in the matter? The interest of the one class was to have dear corn, and of the other to have dear sugars—that by high rents and high prices of sugar, they might put money into their own pockets out of those of the other classes of the community. Seeing these things, he must say, that it was a perfect mockery to try and make the public believe that Members of that House were not allowed to vote on any matter in which they were personally interested.

Colonel *Sibthorp* would beg to ask the hon. Member for Finsbury, who seemed so ready to attribute interested motives to others, whether he himself had ever voted on a question in which he was personally interested? Had the hon. Member voted in favour of a Bill which gave increased mileage fees to county coroners

Mr. *Wakley* was glad that the hon. and gallant Member had put that question to him, and he hoped that he and his hon. Friends around him, would be benefited by the answer he was about to give. He could state, then, that whenever the County Coroners Bill was before the House, and on every question of increased mileage fees, he made it a rule to retire from the House, without voting at all. Having got his answer, he hoped the hon. and gallant Colonel and his Friends would follow his example on other and more important questions.

Both the Amendment and Motion were withdrawn.

Mr. *Gladstone* moved that it be an

"*Instruction* to the Committee, that the rule of this House relating to the vote, upon any question in the House, of a Member having an interest in the matter upon which the vote is given, applies likewise to any vote of a Member so interested in a Committee."

Mr. *Warburton* thought that there would be a difficulty in the Committee deciding on the rejection of a vote, and that therefore each case should be reported to the House for its decision.

The *Speaker* said, there was no doubt that the rules of the House, so far as they applied, were equally binding on Committees. It had been so decided in 1836, when the question was raised whether the Chairman of a Committee could give a casting vote. The hon. Member for Oxford had referred to Mr. Speaker Abbott's decision in 1811, since which time there had been several decisions to the same effect. Certainly, if a Member had a direct pecuniary interest—a separate interest —in a question before the House, and in like manner before a Committee, his vote ought not to be allowed.

Sir *R. Peel* said, the question was, who should decide on the Member's right to vote? Was the decision to be by a majority of the Committee? He feared that some decisions might not in that case be quite satisfactory.

Sir *G. Grey* observed, that it would be difficult to ascertain what was a direct pecuniary interest. An indirect interest might sometimes be more influential than a direct one. The only means of preventing the difficulty would be by referring the Bills to a Select Committee, chosen indifferently from the House, instead of to the Speaker's Lists, on which usually were the County Members, who in most cases must have an interest in the Bills sent before the Committee.

Sir *R. Peel* observed, that it was an important constitutional question how far a Committee ought, without a special delegation, to have the power of depriving a Member of his vote.

Mr. *Wakley* observed, that the Speaker's opinion applied to the printed rules of the House. The practice was different. How was it possible to decide when Members had a pecuniary interest? Suppose, with respect to the subject of opening letters in the Post Office, a vote of want of confidence should be proposed, could the Members of the Government vote against a Motion, the effect of which would be to deprive them of their offices? If that rule was to be observed, no Member of the Government would be able to vote on such questions.

The *Speaker* said, the rule did not apply to public matters. If the only interest of a Member in a question was such that it could not be separated from the interest of the public, his vote was not affected by it.

Lord *J. Russell* said, a Member was often more interested indirectly than directly. He had an interest of some 8*l.* or 9*l.* a-year directly affected by the Bill out of which the discussion arose; but the Duke of Bedford had an interest of some thousands. Might not he feel indirectly influenced? Yet his right of voting was not impaired. He certainly thought the decision ought to lie with the House in such a case, and not with the Committee.

Resolution agreed to.

Poor Law Relief—Incendiarism.] Sir *W. James* rose to solicit information from the Government with respect to an important subject, on which statements had recently appeared, to the effect that a practice existed in some portions of the eastern counties of the following character:—It was alleged, that when a poor man applied for Poor Law relief, it was refused him unless he could produce certificates from all the farmers of his parish of his having accepted all the work that was offered him, and that if it appeared that he had declined any work, at whatever wages it might have been offered, he was liable not only to a refusal of relief, but to committal by justices of the peace under some clauses of the Vagrant's Act. He wished to know if the right hon. Baronet at the head of the Home Department were aware of such a practice; referring as it did to the employers interested in the obtaining of labour at the lowest rate, the amount of remuneration for which men should be compelled to work on pain of deprivation of relief, and of liability to imprisonment?

Sir *James Graham* must decline answering as to certain statements that might have appeared in the *Times.* But he was prepared to answer the question of which the hon. Member had given notice—

> "Whether it be true that the system of denying relief altogether to the poor, except upon the production of a certificate stating that the farmers of the parish had no work to give the applicant, signed by them, be prevalent in the counties of Suffolk and Norfolk, and particularly in the union of Haverhill?"

In consequence of the notice thus given he had availed himself of the opportunity for inquiry, and he had to answer that in the counties alluded to, generally speaking, there did not, he believe, prevail such a practice. There was no such union as that of Haverhill, but there was a parish of that name, and he believed there were some adjoining parishes, in which the practice had arisen, of requiring parties applying for relief to produce the certificate referred to. Until the matter had been brought before the House, any such practice had been entirely unknown to him, and he had heard of it with extreme regret. It was a restriction on the terms of relief not recognized by law, and harsh and unjust to the applicant. He was exceedingly grieved that such a system should have arisen. But the Poor Law Commissioners, who had hitherto heard of no complaints on the subject, would give directions to discontinue the practice; which, as it ought never to have grown up, would not be extended, but as he hoped and believed, would be utterly suppressed.

Mr. *Gibson* wished to inquire whether, the right hon. Baronet having asserted that incendiarism in the eastern counties had not been to any great extent the work of the peasantry, but had been produced by perambulatory incendiaries, he would be prepared to assent to a commission of inquiry into the condition of the agricultural poor in those counties, and the causes of the recent incendiarism? If so, he would be ready to move an Address to the Crown for such a commission.

Lord *J. Russell* had understood there were some prisoners committed for trial at the coming assizes on charges of arson in those counties. Was the right hon. Baronet aware of such being the fact? And, if so, did he not expect some disclosures in those cases of the circumstances under which the alleged offences had been committed.

Sir *J. Graham* was obliged to the noble Lord for having put his question. It was true that there were now several persons awaiting their trial on charges of arson in those counties; and beyond all doubt these trials conducted before judges most competent to elicit and investigate evidence, would cast considerable light upon the causes of recent incendiarism. He had been untruly represented as having said that it had been produced exclusively by parties perambulating the country for the commission of the crime. He had stated his belief that the great body of the peasantry were not tainted by the guilt of this cowardly offence, and that, generally speaking, it was to be traced to personal malignity on the part of labourers acting under an impression of personal injury. As to the issuing of a commission for inquiry, it was impossible for him, without any notice, to answer as to what might or might not be the future intention of the Government. As at present advised, assuredly, he anticipated important information from the coming trials, and was indisposed to assent to the issuing of a special commission of inquiry.

SUGAR DUTIES.] The Order of the Day for the third reading of the Sugar Duties Bill having been read,

Mr. *Hawes* observed, that the principle which the Government pretended to aim at in this Bill was to prohibit the importation of sugar the produce of slave-labour, and to encourage that of free-labour. Now, he thought he should be able to show that very little sugar would be imported from the East which was not more or less tainted with slave-labour. It had been stated on a former evening by his hon. Friend the Member for Renfrewshire (Mr. P. M. Stewart), that in Java there was forced labour, and that the labourers there might properly be regarded as slaves. The right hon. the President of the Board of Trade had, however, disputed that statement, and since then he (Mr. Hawes) had made inquiries, and looked into various authorities, and he believed he was in a position to show, by evidence the most conclusive, that slavery did exist in Java. Sir T. Stamford Raffles, who had been for eight years governor of the island, in his "History of Java," stated that,

> "According to the Returns obtained in 1814, it appeared that the following were the numbers (of slaves) in the principal divisions of the island:— At Batavia and its environs, 18,972; in the Samarang division, 4,488; in the Surabáya division, 3,682; total 27,142. These slaves are the property of the Europeans and Chinese alone; the native chiefs never require the services of slaves, or engage in the traffic of slavery."

And again:

> "A very extensive branch of trade is carried on by a direct communication between Java and China, entirely upon Chinese capital, in a description of vessels called junks."

That slavery also existed to a limited extent in China there could be no doubt. Sir George Staunton, in an able and very learned work on the fundamental laws of China, had shown that a large part of the Chinese code had for its object the giving protection to slaves. He says,

> "All slaves who are guilty of designedly striking their masters, shall, without making any distinction between principals and accessaries, be beheaded. All slaves designedly killing, or designedly striking, so as to kill their masters, shall suffer death by a slow and painful execution. If accidentally killing their masters, they shall suffer death by being strangled at the usual period. If any person beats to death, or intentionally kills a slave belonging to his family, who had not been guilty of any crime, the person so offending shall be punished with sixty blows and one year's imprisonment. . . . The master, or relations of the master of a guilty slave, may, however, chastise such slave, in any degree short of occasioning his death, without being liable to any punishment."

In Cochin China and Siam that slavery existed was admitted by the right hon. Gentleman opposite, for he had excluded those countries from the benefits of this Bill on the express ground that there was so much doubt whether the cultivation of their produce was carried on by free-labour or by slave-labour, that it was not expedient at present to admit their sugar. Mr. Crawford, a very able and talented Gentleman, who had been employed by the East India Company in one or two missions to make inquiries, and to enter into negotiations with respect to trade, both in Siam and Cochin China, states that, throughout the whole of those seas, a very considerable slave-trade was carried on, and that he himself has seen and been with slaves in those countries. He stated, in his account of the embassy of 1821—

> " Returning home after it was dusk, we met two persons conversing together in the Javanese language. Its accents, in this remote place, excited our curiosity, and we entered into conversation with the strangers. One of them recognised me as an old acquaintance, and described himself as one of a party, consisting of seven young men and six young women, who had been kidnapped at Samarang, in Java, about three years before, by the commander of a Chinese junk, and sold as slaves to the Siamese."

The point he was anxious to impress upon the House and the country was, as both Siam and Cochin China were largely engaged in the Slave Trade, and as that trade was carried on wholly by means of Chinese capital, and in Chinese vessels, navigated by Chinese sailors, that if they permitted as they proposed to do, the importation of sugar from China, so closely and intimately was the trade of China connected with that of Cochin China and Siam, that it would be impossible—if they were disposed to do so —to exclude the sugar of other countries employing slave-labour, or prevent its introduction as Chinese sugar. Mr. Crawford, in his published account of the embassy to Siam and Cochin China, had put this matter beyond doubt. He says:—

> " Of the foreign trade of Siam the most important branch is that with China. This is wholly carried on in vessels of Chinese form, navigated by Chinese; but the greater portion of them built in Siam. A far as Siam is concerned, the whole of the Chinese trade centres in Bankok, with the exception of a few junks which trade to Sungora and Ligor. The ports of China which carry on trade with Siam are Canton, Kiangmui, and Changlin; Amoy, Nimpo, Sianghai, and Sao-Cheu; besides several ports of the great island of Hai-nan. The most considerable exports from Siam are black pepper, sugar, tin, &c."

Again, Mr. Fowell Buxton in his evidence on the African Slave Trade, in 1839, states that:

> " In 1822 a Treaty was concluded by Captain Moresby, R.N., on behalf of the British Government, with the Imaum, by which the trade with Christian countries was declared abolished for ever throughout his dominions and dependencies. But this arrangement, it must be remembered, does not in any way touch upon the Slave Trade carried on by the Imaum's subjects with those of their own faith. By means of this reserved trade slaves are exported to Zanzebar, to the ports on both sides of the Arabian Gulf, to the markets of Egypt, Cairo, and Alexandria; to the south part of Arabia, to both sides of the Persian Gulf, to the northwest coasts of India; to the Island of Java, and to most of the Eastern Islands. The vessels which convey these negroes are in general the property of Arabs or other Mohammedan traders."

He said, therefore, that all the authorities he had had an opportunity of looking into, proved beyond all doubt that slavery did prevail, and the Slave Trade was carried on in Java and the neighbouring islands. Another authority stated that—

> " Slavery in Java prevails to a much less extent than in other islands. The slaves do not exceed 30,000, and none of them are native Javans, but obtained by purchase or capture from Celebes or Borneo. Sir S. Raffles attempted and succeeded, during his Government, in mitigating the extent of the trade."

The right hon. Gentleman had stated that the great object of the Government was to increase the supply of free labour sugar, and his main reason, he stated, was this—that there had been a tendency to an increase of prices of late years, and that it was necessary to increase the supply in order to prevent the article reaching so high a price as it had attained a few years ago, and to accomplish that object the right hon. Gentleman and his Colleagues had attempted to provide for the introduction of foreign free-labour sugar as contradistinguished from foreign slave-grown sugar. Now, he asked the right hon. Gentleman to consider the statements he (Mr. Hawes) had made, and the authorities he had quoted, which he believed were unimpeachable, and then say whether he believed that the supply we should obtain by means of this Bill would or would not be confined to free-labour sugar? The ground for refusing the admission of foreign sugar generally was, he understood, the detestation and abhorrence with which the right hon. Gentleman and his Colleagues now viewed slavery and the Slave Trade, though the feeling came somewhat late, he thought; considering the position they had formerly assumed, and the part they had taken in opposing every effort made in that House to abolish slavery, he must say their present zeal was rather unexpected, and not entitled to any very great respect. He had never heard the right hon. the Chancellor of the Exchequer utter a single sentence in favour of emancipation when that question was before Parliament, or take any part with the advocates of total abolition. Nor did he believe that the present object of excluding slave-labour sugar would be accomplished by this Bill, and he wished to put it to the Chancellor of the Exchequer, whether, in his opinion, looking at the position of the countries referred to, and to the produce of which our ports were to be opened, and looking to the opinions of the authorities he had quoted, slave-labour sugar would not find its way into our markets under the provisions of this measure? The demand for sugar would no doubt increase, and whatever that increase should be, whatever might be the extent of new growth required to supply it, to that extent they would hold out an inducement to the foreign sugar-producing countries he had alluded to, to obtain labour for the additional cultivation by means of slavery and the Slave Trade. The sounder policy would be, to make no such distinction between free-grown and slave-grown sugar, for they might depend upon it that the great object of repressing slavery and the Slave Trade would be most effectually attained by throwing open the trade in sugar, and allowing English capital and enterprise to come into competition with slave cultivation, forcing in the first instance our own West-India colonists to have recourse to an improved system of cultivation and manufacture.

Mr. *Gladstone* considering how the subject had been exhausted, would not follow the hon. Gentleman into the general topics to which he had referred, or enter into the question of the consistency or inconsistency of himself and his right hon. Colleagues; neither should he, having already stated his views at some length, repeat his opinion as to what might be the effect of the Bill in admitting some portion of sugar, not the produce of free-labour, and whether or not the Government could be held responsible for that effect; but he would proceed to consider the statements of the hon. Gentleman as to the existence of slavery in the countries to which the hon. Gentleman had referred. First, with regard to China, he did not understand the hon. Gentleman to state that agriculture was carried on in that country by means of slave labour. No doubt domestic slavery existed to a limited extent, but he believed no one would contend that agricultural labour was pursued by slavery. China was a country, however, from which the supply of sugar to be obtained for this country must necessarily be limited. But as to Java, it was a country of large productive powers, and yielded, he believed, between 80,000 and 90,000 tons of sugar a year, which he understood was the amount of production last year, a very large part of which would no doubt find its way into our markets. He fully admitted, therefore, that the question, as to whether slavery existed in Java or not, bore immediately upon the subject. The hon. Gentleman had quoted authorities showing that the number of slaves in Java ranged between 27,000 and 30,000. Now, in the first place, he would ask the hon. Gentleman to consider the amount, of slavery existing in that country (taking it upon the statements of those authorities) as compared with the whole population. There was no distinct census of the population of Java, but the lowest amount he had seen placed it between 8,000,000 and 9,000,000; while another account, which he was by no means prepared to say was not a credible one, stated it at 12,000,000; so that by the one account the number of slaves, in proportion to the population, would be one in 300, and by the other one in 400. He did not, however, rest upon that point —the small number of slaves as compared with the whole population. The slavery of Java was a domestic slavery—a decreasing slavery, the relic merely of a former system, and was fast disappearing. With regard to the labouring population of Java, he thought the hon. Member for Lambeth, who had taken so much pains to produce evidence on the subject, was the most favourable witness on his (Mr. Gladstone's) side of the question; for the hon. Gentleman, having searched with much industry and perseverance, and, he was bound to say, with much fairness, into the best authorities and records on the subject, had not succeeded in showing that the labour of Java approached in its character to slave-labour. He asserted, therefore, as boldly as he had done before, and more so, the allegations he had made in answer to the statements of the hon. Member for Renfrewshire (Mr. P. M. Stewart). He said that the payment of the half sovereign, which had been referred to, wherever it existed, its effect was to release the individual labourer from his engagement, and the renewal of that engagement was at the will and option of the party himself. The labouring population of Java were as free to quit the soil on which they were employed as were the labourers of this country. He had seen and spoken with several persons who were acquainted with and had resided in Java, and one gentleman well acquainted with the subject, in describing the divisions of the country, stated—

> "That although every Javanese was at liberty to quit his village and go to another, he seldom availed himself of the privilege, for, fondly attached to the soil of his ancestors, he was little anxious to remove from it."

A gentleman who had come from Java, within the last year, had assured him in the most positive manner that no slave-labour, or anything approaching to it, existed in Java; but that the peasantry of that country was the best-conditioned he had ever seen.

Mr. *P. M. Stewart* said, the right hon. Gentleman had stated that slavery did not exist in regard to the supply of labour in Java, and that the labourers there were as free to quit the land upon which they were employed as were the labourers of this country. Now, he should like to know from the right hon. Gentleman what was his definition of free-labour. The statement he (Mr. P. M. Stewart) had made on a previous occasion, and which he now repeated, was, that the labour of Java was forced, and that all the exported produce of the country was obtained by forced labour. It was not one French pamphleteer that should settle this question. He had taken some pains in looking into authorities upon the subject, and he would take, as far as it went, the authority of Mr. Crawford; and it appeared that the revolt in Java had been occasioned by the labouring population having been subjected to the yoke of slavery, after having tasted of the sweets of freedom under British rule. He found also, that the exportable produce of the island, under the Dutch governor, was raised by forced labour. This statement he made from authority. In 1830, the Governor Vanderdosh introduced the system of prescribed cultivation and forced delivery of produce, under which the quantity of sugar was increased twenty-five times in ten years. The Governor directed that the inhabitants of villages should be brought to cultivate the land, and that for every 1⅘ acre (English) four labourers were to be appointed, each to relieve the other alternately, so that one or other should be always at work. The manufacture of sugar was to be carried on in the same way, by men constantly relieving each other, the work never ceasing. One plantation, employing 400 men at one time, had thus 1,600 men appointed, constantly relieving each other. Under the same system, the country was divided into communities of villages, and the work was under the direction and cultivation of regents, directors, controllers, and native officers, who shared in the produce, and were consequently more vigilant in respect to the amount of work done, and became rapidly rich. Now he wished to ask the right hon. Gentleman whether this was his definition of a state of free-labour — or could the labourers of Java, under such a system, be fairly said to be as free as the labourers of this country? [Mr. *Gladstone*: What is the authority on which the hon. Gentleman relies?] The statement was that of a respectable planter, and might be depended on. [Mr. *Gladstone*: Does he cultivate Government lands or his own estate?] He was not aware, but knew him to be an intelligent man, and that the truth of what he had stated might be depended on. He did not mean to set the statement against the authority of the right hon. Gentleman; but what he said was, that it would require something more than mere disputing to make out the case against it, that the produce of Java was raised, as the right hon. Gentleman assumed, by means of free-labour. Hitherto he had spoken of the cultivation of sugar, he now came to the article coffee, which, as produced in Java, illustrated still more strongly what he meant by forced labour. The growth of coffee was compulsory. Every owner of six acres of land was required to plant and keep in order 1,000 coffee-trees, and to deliver the crops to the Dutch Government at 6*s*. 6*d*. a cwt., the market price in the country being 40*s*. the cwt. And only one-half of this 6*s*. 6*d*. went to the cultivator, one-fourth being claimed by the Regent, and the remainder by the sub-officers. This was the way coffee was cultivated in Java by a peasantry as free (according to the right hon. Gentleman) as the peasantry of this country. It was to be regretted that the Government had brought forward this important subject without sufficient information. The Bill had succeeded in the most melancholy way in deranging every interest affected by it. There never had been an annual Sugar Bill which inflicted so much injury, distrust, and derangement, as had this Bill. There were at the present moment 9,000 tons of sugar in stock more than last year, at an average of 4*s.* less than the prices of 1841, and 3*s.* less than the prices of last year; and yet in the face of this, such was the confusion and uncertainty caused by the measure, that the consumption of the present year, would fall 6,000 or 7,000 tons below that of the last year. As they had injudiciously fixed the time for the commencment of the working of the new law in November, all would be uncertainty and doubt in the trade until then. He would ask now what the intention of Government was as to the admission of Siam sugar. Of all systems of slavery, that which existed in that country was the most reprehensible and the worst, and if they admitted its produce they would be encouraging one of the most degrading systems of slavery and kidnapping in the world. He believed that if they would really admit under the present measure nothing but free-labour sugar, the additional supply which they would obtain would be very small indeed. The effect of the measure, in short, would only be to tantalize the consumer here, and to deteriorate the interests of the producer in the Colonies.

Mr. *Gladstone* said, Siam was not included in the Bill. The question as to whether they could admit its sugars remained still open. The Government had not been able to obtain recent information as to the state of the working population of that country; but, so far as he knew, he believed that a severe system of slavery existed there, and that that system was supported by a cruel Slave Trade.

Mr. *Mangles* was of opinion that the Bill did great injustice to both East and West-India interests. As to the West-Indian sugar-growers, indeed, he did not think that they had experienced the most ordinary fair play. There would have been little use in his saying anything with respect to the claims of India upon this country, and he would not have opened his mouth upon the subject, were it not for the manner in which these claims had been spoken of by hon. Gentlemen in this House. Let them recollect the facts of the case. From Returns he held in his hand, he perceived that our exports to India alone, last year, exceeded those to the West Indies and to the Brazils put together. Besides, India sent a free tribute to this country annually, without any reference to exports, and only in return for some comparatively slight military service, of upwards of four millions of money. Such was long the case; but it was not until 1837 that the common justice had been conferred upon India of putting her sugars upon the same footing as the produce of the West Indies, and it was not until 1841 that the same justice was extended to her rums. Now what he complained of was this—that, notwithstanding all the claims which India had upon their consideration, no sooner had they called up a new interest, established a new branch of industry within its territory, than they turned round upon the East-India planters, and, by reducing the import duties upon foreign sugar, exposed them to a premature and unequal contest with the produce of other countries. If the East-India planter had had time allowed to him to prepare for competition, to establish firmly his manufacture, then a discriminating duty of 10*s.* (or even of less than 10*s.*) would be a sufficient protection, and would enable him successfully to compete with the sugars of Jamaica, Manilla, or any other country in the world. But a fair time for preparation had not been allowed. He held a letter in his hand from a gentleman connected with the association established for the cultivation of sugar in India, which he would beg to read to the House. It was as follows:—

"Although it is now some years since the equalization of the duties on the East and West India sugar (during which time the enormous increase in the imports has already been before Parliament), it is only now, I mean literally only last year, that European skill and capital was first applied to the cultivation of the cane in India. It is only a recent discovery that the Otaheitean variety of cane can be successfully cultivated in various parts of India, and more especially in Tirhoot, where by the last accounts great efforts were being made to extend the cultivation. You heard from our Committee of management the day you called, that machinery to the value of 25,000*l.* was at this moment under shipment, expressly for crushing the cane in that district alone. As an instance of the rapid increase I speak of, I may say that we anticipate having home no less than 2,000 tons of sugar from our own crop of cane in Tirhoot now in the ground and ready forcrushing this year. I know of another party who will have not much less, and I think I am speaking quite within bounds when I say that from the small districts of Tirhoot alone, there will be imported into this country next year upwards of 5,000 tons of sugar, altogether from lands which have never yet sent a single ton home to this country. Further I may assert that such was the spirit and energy thrown into the cultivation in that district, that if left to itself and not blighted by such an impolitic measure as that now contemplated by ministers, we may fairly calculate that within four or five years from this time, the districts of Tirhoot alone will send home as much sugar to this country as the colony of Mauritius, or 30,000 tons; and this too will have to be received from a quarter which has never sent home sugar to this country at all, and consequently may be safely added to the present imports. If this is to be done by Tirhoot alone what may not be expected from India at large?"

This prospect, the measure of the right hon. Baronet opposite was calculated to crush. No one could be a more firm supporter of the principles of free-trade than he was, but he deprecated their application to the present case, because there was something still higher and better than even free-trade, and that was fair play and justice. He now came to the case of the West Indies. With respect to them he could speak freely. He had no connection with them, but he did think that no interest had ever been treated with such gross, with such scandalous injustice as was the West-Indian interest, with respect to the supply of labour promised them. He had not been in the House at the period of negro emancipation, but if he had, he would have supported the noble Lord opposite in that great measure; but he could not now help feeling very much surprised at the suicidal course pursued by the opponents of slavery in attempting to prevent a supply of free-labour being sent into the West Indies. By doing so, they were fighting the battle of the American slave states, who were triumphantly pointing to the West Indies as a proof that it was impossible to raise sugar in tropical climates without slave-labour. Now, what part had the noble Lord the Secretary for the Colonies acted in this matter? When the late Government introduced the proposition for immigration into the West Indies, it was stoutly opposed by the noble Lord and the right hon. Gentleman near him; and thus, after having prevented the West Indies from obtaining a supply of labour, and thus preparing for successful competition, they now came forward and suddenly threw open the door of competition with other and more advantageously situated sugar countries. They first admitted competition, and then began to think of a means for supplying labour. All that the Government were doing now for that purpose could have been done ten years ago. Good regulations for immigration of Coolies was as necessary then as now. These people were most anxious to go to the West Indies and the Mauritius. They were absolutely starving in their own country, where they could only earn two *pice* a day, or about two shillings per month. And yet these were the people who, for the sake of humanity forsooth, were prevented from going absolutely to make their fortunes in the West Indies and the Mauritius. When those who were allowed to proceed there came back, they did so with 200 or 300 rupees in their pockets; sums they could never have dreamt of amassing in their own country; and they returned not only rich, but comparatively enlightened men; fit, at all events, to be the very apostles of civilization among their own countrymen. Let the House listen to Sir Charles Metcalfe's account, drawn up in 1841, of the state of the West-Indian negro population, among whom he presumed they would not allow the Hill Coolies to go, for fear of contaminating the latter. Sir Charles Metcalfe, on the 1st of November, wrote to the noble Lord the Secretary for the Colonies as follows:—

"With respect to the labouring population, formerly slaves, but now perfectly free, and more independent than the same class in other free countries, I venture to say that in no country in the world can the labouring population be more abundantly provided with the necessaries and comforts of life, more at their ease, or more secure from oppression, than in Jamaica; and I may add, that ministers of the Gospel for the religious instruction, and schools for the education of their children, are established in all parts of the island, with a tendency to constant increase."

Now, in any part of India, would the natives meet with such advantages? It was absurd to say it. But, in fact, the whole malady lay in that great plague of the country, the Colonial Office. It appeared to him—and he did not say it with reference to either Whig or Tory—that the Colonial Office was the great national drag, put on to clog the exertions of energy and industry in the Colonies, and applied too seemingly with the view of preventing the country from establishing too rapidly colonial markets for our own manufactures. There would be no good Government for the Colonies until a great moral ploughshare had been driven through and through it. Let the House compare the Government of India with that of the Colonies—let them look at the uninterrupted prosperity and success of the one, and the uninterrupted failure, discontent, and distress of the others. He said this with the greatest respect for the talent and intentions of the noble Lord at the head of the colonial department, but had he as many heads as Cerberus, and as many hands as Briareus, he could not be expected to govern with success all our immense Colonies, having such different interests and prospects, and scattered over all the world. He repeated that he opposed the Bill, because it dealt out justice neither to the West or the East India growers, and he reiterated his assertion that, with respect to a supply of labour, the former had been scandalously treated.

Lord *Stanley* had not intended to trouble the House for a moment upon the question before it, but after the manner in which he had been alluded to by the hon. Gentleman who had just sat down, he could not help trespassing upon them for a few minutes. He would not discuss the question of the East-India sugar; but he could not help remarking, in passing, how apt hon. Gentlemen, who were in general the strongest advocates for free-trade, were, at the moment it was proposed to apply these principles to a case which touched their own interest, immediately to find out that there were places and cases, with respect to which there was something higher to be taken into consideration than free-trade, and which forbad its application. He hoped that in future they would hear no taunts from the opposite side of the House about hon. Gentlemen being free-traders in the abstract, but unwilling to carry their principles into practice. But the hon. Gentleman stated that he considered that the East Indies had been hardly dealt with as to the Sugar Duties. Now, for the last seven years they had been placed upon precisely the same footing as the West Indies in this respect. True, a complaint was made as to rum. Very well, he would come to that presently. But were the East-Indian planters on a perfect footing with the West-Indian growers as to labour? The hon. Gentleman stated as the great grievance of the West Indies their inability to procure a proper supply of labour; but from his statement it appeared that in the East Indies, where they could procure plenty of labour at two *pice* a day—where they had all the advantages of British capital and machinery employed in the cultivation of the cane, where in a single small district they expected to raise 5,000 tons this year—with all these advantages, with a soil and a climate respectively the most genial and the most fertile, after seven years' preparation, and with a protecting duty of 10*s*. over the Java and Manilla sugars, they yet could not enter into competition with them. But, said the hon. Gentleman, it was not until very lately that the East was placed upon the footing of the West Indies, as to rum. Was the import of rum here a very great advantage? Well, then, they would enjoy a monopoly in that respect, for under the Bill neither the rums of Java or Manilla could be imported. This liberty of importation must be a great advantage, as the want of it had been found a great grievance. Well, they would now enjoy it, while Java and Manilla would be shut out from the benefits of the trade. But still the East-India interest was not content. To all these advantages they wished a share in the monopoly hitherto enjoyed superadded. [Mr. *Mangles*: For a time only.] For a time! What did that mean? For how long? For seven years more, or for longer? Until the hon. Gentleman and his particular Friends got their machinery shipped and sent out and in operation. The fact was, that the East Indies had abundant time for the introduction of British capital and British skill in order to cultivate the cane, so as to allow them to enter fairly into competition with foreign grown sugars. But instead of that, they were attempting to keep up a monopoly for themselves. He would not identify the whole of the East-Indians with the honourable Gentleman, but he, the great advocate of free-trade. [Oh, oh,"]—well, a great advocate of free-trade as he was on most occasions, was the only man now who put himself forward to complain of the hardship of allowing Java and Manilla sugars to come in. Now, as to the East Indies. The hon. Gentleman had argued strongly for permission to import the Hill Coolies into the West Indies, and stated that he was disposed to negative, or, at all events, not to act upon the arguments which he had urged in 1842 for the admission of the Coolies into the Mauritius. Now, what were the facts? Why, as soon as he possessed official power, his first step had been to bring forward a scheme for the admission of Hill Coolies into the Mauritius. In this he was opposed by the hon. Member for Northampton on one side of the House, and upon the other, in the strongest manner, by the hon. Member for Beverley (Mr. Hogg) — an opposition founded upon an extensive knowledge of India, he being a great practical authority upon such subjects. [Mr. *Mangles*: But he was never out of Calcutta.] Never out of Calcutta? But it was at Calcutta that all the abuses complained of took place. It was on account of the kidnapping in Calcutta—of the crimps in Calcutta—of the abuses in the river and the frauds practised in ships dropping down the river—that the Opposition of the hon. Member was excited. But he (Lord Stanley) had been asked whether he had not objected in 1840 to the removal of restrictions upon Hill Cooly immigration. Now a system of emigration to the West Indies and the Mauritius had been formerly sanctioned, but in consequence of the gross abuses which prevailed in it the late Government had put an entire and peremptory stop to the practice. They had subsequently attempted to relax that restriction in 1840, but in 1839 they had referred the whole question to the consideration of the Governor General and the Council in India, asking them to report whether, in their judgments, the abuses complained of could be removed, and in 1840, no Report having as yet been received from India, he had, in conjunction with his hon. Friend the Member for Beverley, pressed upon the late Government the expediency of not rescinding their own act, at least until the Report of their own Governor General should have informed them that the proposed relaxation could be safely made. Well, and what was that Report? The Council were equally divided upon the question of the practicability of allowing any restriction, and the hesitating sanction of Lord Auckland as to emigration to the Mauritius, and his direct negative of it as respected the West Indies, could not be taken as very favourable to the experiment. In this Report great stress was laid upon the difference between emigration to the Mauritius and emigration to the West Indies. The present Government, who were willing to provide as efficient a supply of labour as they could, consented, notwithstanding the difficulties and objections in the way, to give to the Mauritius the advantage of immigration, but they said, and continued to say, that they must see the result of that experiment as to the Mauritius before they could consent to extend it to the West Indies. The Government had the object of emigration of the Hill Coolies in view since 1842; and now that the experiment had partially succeeded, they had not lost a moment in communicating with the Government of India, and recommending to that Government its extension to the West Indies. If he had done more he should have been charged with rashness—if less, with neglect.

Mr. *Warburton* objected to the measure on account of the great protection it afforded to the East and West Indians; a protection amounting to 50 per cent. upon the cost of sugar as estimated, in the Liverpool market, on Brazilian sugar imported into this country. A 10*s.* protection, taking the price at 20*s.*, was a protection of 50 per cent. He thought the West Indians had no cause whatever to complain. The tax levied on the consumers of this country, and taken from the revenue for the benefit of the West Indians, could not be estimated at much less than a million and a half annually. Suppose, for the sake of argument, we were to pay a second compensation to the West Indians at the present rate of interest, 3 per cent., the sum required would be only 500,000*l.* annually, instead of 1,500,000*l.* He would suggest to the Government the propriety of paying an annuity of 500,000*l.* to the West Indian proprietors, and then to throw open the markets for sugar to all the world, and give our people the full benefit of free trade. Of all the bargains ever made, he thought that would be the cheapest, and in the long run, the most advantageous.

Viscount *Sandon* believed, that as soon as the West-Indian proprietors obtained a sufficient supply of labour, they would be able to compete with any other country, without any protection. He entirely disapproved of the proposition of the hon. Member who had just sat down. A great national possession ought not to be destroyed for want of an ample supply of labour to enable West-Indian proprietors to work their estates to advantage. That would be the most short-sighted policy that could possibly be adopted. [Mr. *Warburton* did not propose to prevent the importation of labourers into the West Indies.] No; but the hon. Member certainly did all he could to discourage the supply of free labour. If those Colonies were not encouraged they would be thrown up, not from any defect in the quality of the soil but from a deficiency of labour. This would result in the withdrawal from the sugar market of a large supply of sugar, and a consequent rise in prices. Our other sources of supply were Brazil and Cuba, which were very uncertain, being almost every day exposed to the dangers of an insurrection. If an ample supply of free labour were not afforded to the West-Indian proprietors, the alternative would be the destruction of the Colonies and the encouragement of slavery.

Mr. *Bright* said, the hon. Member for Cumberland, the hon. Member for Renfrewshire, and some other hon. Members on the same side of the House, had proclaimed to the House that sugar which was selling for 6*d.* a pound, had cost them 6½*d.*, and on that ground claimed some allowance from the rest of their countrymen to enable those gentlemen to carry on their trade in a manner satisfactory to themselves. He was a manufacturer of various descriptions of cotton cloth, and a spinner of cotton yarn, and if he produced to the House a letter received from his brother in Manchester, stating that, owing to the competition with Swiss and American manufacturers, he was obliged to sell yarn at 10*d.* a pound, which he could not make for less than 11*d.* and asked for some protective system to raise the price of the article he had to dispose of, what would be said? He did not think it would be Parliamentary to use the term which the House should apply to him in such a case. And such terms was he disposed to apply to the hon. Members to whom he had referred. He could not use that term in the House, but out of the House he would say that anything more impudent never was heard of. He had asked the right hon. the President of the Board of Trade on what ground he maintained protection on the article of sugar? He said there was a just plea on behalf of the West Indians for protection, inasmuch as there had been a great change made in their circumstances by the interference of this country and that they had an insufficient supply of labour. The Chancellor of the Exchequer had stated that the East Indians had a soil of extraordinary fertility, and a climate most favourable for the cultivation of sugar, and abundance of labour at a cheap rate. The noble Lord the Member for London said, the West Indians had a claim to protection on the same grounds that were stated by the right hon. the President of the Board of Trade. Would the right hon. Baronet at the head of Her Majesty' Government explain to the House on what ground he proposes to give 10*s.* protective duty to sugar grown in the East-Indian Colonies and the Mauritius, seeing that they have plenty of labour at a cheap rate, a favourable climate, and a soil of the greatest fertility? In addition to the 2,000,000*l.* which the country had to pay for this sugar, a great deal was lost by the hindrance of trade. Of that 2,000,000*l.*, 1,250,000*l.* went to the West-Indians, and 750,000*l.* to the planters in the East Indies, and the Mauritius. He (Mr. Bright) asked the right hon. Baronet (Sir R. Peel) whether some plan should not be devised by which the 750,000*l.* could be returned, for which no pretence was set up by the hon. Gentlemen opposite. He thought such an explanation should be given on that point.

Mr. *Borthwick* hoped hon. Gentlemen opposite, in support of whom he had given a rather popular vote some few nights ago, would excuse him if he did not consult them now, when he ventured to explain the justice of the vote he intended to give. He had not, in any one of the stages of this rather long discussion, sought the indulgence of the House to say one word upon it, and he trusted he might be pardoned if he said that one word now. Yes, one word, it should be no more—to show that the course he was about to pursue was consistent with justice, and that which ought to be pursued by those who, like himself, viewed this question not as one of interest, but as a question of national honesty and virtue. Whatever might be the merits of this somewhat ingenious opposition which met the Bill of the Government, it appeared to him that the time chosen for it was not appropriate. This discussion was introduced to the House, first of all in the shape of a proposition submitted to a Commitee of the whole House, on which proposition this Bill was to be founded. Upon that discussion no opposition, that he could recollect, was given to the Government scheme at all—certainly none on behalf of the West-Indian interest. He was one of those who thought this measure fatally injurious to the West-Indian planter, and he must say, he was much surprised that no one in the House, on behalf of that very important interest, did take any objection to the introduction of the principle of the measure in Committee when the resolution on which the Bill was founded was submitted to the House. That opportunity was permitted to pass, and when it became impossible for the Government to do otherwise than bring in the Bill which they had laid on the Table, then opposition arose on behalf of the West-Indian interest—not an opposition to the diminution of protection, but, on the contrary, an opposition which advanced the principle of free-trade, by 4*s.* further than the Government themselves, and maintaining for the East-Indian interest precisely the same protection which Her Majesty's Government had proposed. Viewing the measure as, in its principle, dangerous and injurious to the West Indians, what choice had he, or those who thought with him, other than to support her Majesty's Government against the advocates of the West-Indian interest who proposed that that interest should have no higher protection than Her Majesty's Government proposed, and who, in addition to that, went one step further in the direction of free-trade. Her Majesty's Government did not dispute the abstract principles of free-trade—they could not be disputed. They were truisms as palpable to intuitive perception as that the three angles of a triangle are equal to two right angles, or that two and two make four. No one could doubt that to buy in the cheapest market and sell in the dearest, was an abstract proposition on which all commercial transactions ought to be conducted. But because that admission had been made, hon. Members on the other side of the House rose up and said, "If you admit the proposition to be true, why not apply it?" He had asked the hon. Member for Bolton a question two years ago, and it never had been answered. He had asked him if two and two made four, and he said that was a novel proposition. But if two fools and two fools were added together would they make four wise men? A certain quantity of sugar was required by the world—the West Indies were blessed with a fertile soil, a favourable climate, and other natural advantages for the production of sugar—why, then, give protection to the West Indians as against any other portion of the globe in favour of the production of sugar? No one could answer that question. There was no natural reason for giving protection to the West-Indian interest. There was no natural reason for giving protection to the English grower of corn. There was no reason in nature for doing so, but we had created a reason ourselves, by the artificial position in which we placed the West-India planter and the English grower of corn. Were the West Indians in their natural position in the world? Was society in the West Indies in a natural position? No, they were in a most artificial position, and that position was not of their own making, but of ours. His hon. and learned Friend the Member for Oxford, in a speech—and the only speech made that grappled really with the principle of the question reminded him (Mr. Borthwick) of a view this House had been most careful to forget in the discussion. Who instituted slavery in the West Indies? Was it the planter? No Gentleman was so ignorant of colonial history as not to see that the planter was a sufferer from the system of slavery. He believed the first grant of land made in Jamaica was given to Mr. Archdeacon whose descendants held the property from that period to the present moment, and what was the condition on which that grant was grounded? Why that Mr. Archdeacon should purchase a certain number of slaves from each ship that landed its cargo at Jamaica. That was in fact the general condition on which land was held in the West Indies until the year 1807 when the Slave Trade was abolished. The Slave Trade was then the child of the adoption of this country, and when the object of giving encouragement to that trade was the cultivation of the land, was it likely that the West-India planters would purchase either females or children when they knew full well that the labour they required could only be performed by men. It was not; and what was the consequence of this? why that the deaths among the slaves were obliged to be supplied by new purchases. The first opposition to the Slave Trade occurred in 1760. It was not with either Mr. Wilberforce or Mr. Clarkson—names which he, however, venerated—that the opposition to this traffic originated: but that opposition was first manifested in South Carolina, then a portion of the British Colonies. A Bill on the subject was then passed, which failed to obtain the assent of the domestic Legislature, and what was the result? Why that the Government of this country sent out a hint that it would be advisable for the colonial Legislature not to interfere in the matter. In 1704, two Bills on the subject of Slave Trade were passed by the Legislature of Jamaica, and what followed? Why that the Earl of Dartmouth sent out a dispatch containing an intimation that the Home Government would not permit the colony to interfere with a traffic which was so beneficial to the mother country, and thus they had prevented the West Indies from accomplishing the work of negro emancipation for themselves. In 1807, it was agreed that the Slave Trade should be abolished, and in what state did they leave the West Indies? Why, with a negro population, the great majority of whom were males, and that population kept decreasing from that period down to 1834, when slavery itself was abolished in these Colonies. The West-India planters were blamed by the hon. Members opposite for having kept the negroes on their estates in an unfavourable state of moral cultivation; but while this country was agitated by the anti-slavery cry, what were the planters doing? The Government at that period emancipated 300 slaves in the island of Antigua, while no less than 17,000 received their freedom at the hands of the planters in Jamaica. The negroes in the Crown colony of Antigua did not use their liberty as was expected; but it was different in Jamaica, for there they became useful labourers—the planters, in fact, awarding to Mr. Nethersole 10*l.* a-head for every negro who, through his instrumentality, was rendered a useful and industrious citizen. The planters in Jamaica, too, had paid a sum of 60,000*l.* for promoting education among the negro population of that island, and that was an amount far above anything that had ever been given in this country for a like purpose numbers considered. He had now demonstrated that the blame attempted to be cast upon the planters was unfounded, and he asserted that the twenty millions which they had received was a miserable compensation in proportion to the value of their loss. Their loss amounted, in fact, to some hundred millions, and yet all they got was twenty millions. He did not know why the West Indies had not come boldly forward and met the Government on this question, and he thought they would have been fully justified if they had demanded the continuance of the high protecting duties which they had previously enjoyed. If that question had been mooted, he certainly should have voted with the West-Indian party, but it had not been proposed, and it appeared that the West-India proprietors agreed with the Government because the resolutions had passed without the slightest opposition, except from the noble Lord the Member for London. His hon. and gallant Friend behind him and others had been charged with inconsistency because they had voted against the Government, and with the Government on the Amendment of the hon. Member for Bristol, but he could see no inconsistency in this. No doubt they were actuated by a hope that the Government would abandon their proposition and renew the existing protective duties for another year, and having, as he believed, pursued a straightforward course, he thought it grossly unjust that they should be held up as though they had been guilty of inconsistency. He could very well guess the motive of the combination which existed at the other side of the House, and he believed that the object of the hon. Gentleman opposite was to defeat the Government without any reference to the merits of the Bill. He had supported the Government throughout, and he had voted on the principle which he had stated; but not having intended to speak, and being without the materials with which he would otherwise have been prepared, he would not trespass longer on their attention, but conclude by thanking them for the patient hearing which they had given him.

Lord *J. Russell*, before he spoke of this particular Bill, must make some reference to the statements of the noble Lord the Secretary for the Colonies, with respect to industry and labour in the West Indies, in the historical account he had given on that subject. He had been charged with having in some degree thwarted the introduction of labour into the West Indies some years ago. The noble Lord stated that there was a measure of the late Government, about 1837 or 1838, which sanctioned that introduction of labour, but such abuses had sprung up under it, that the Government had thought proper to withdraw that Measure. Now, there were a few remarkable facts connected with that withdrawal, and the most prominent of them was, that there had been certain abuses connected with that immigration in the West Indies, and a frightful mortality in one or two instances. The question, as might be seen by a reference to the History of Parliamentary Proceedings of that day in *Hansard,* was brought forward with great eloquence and power by an opponent of the late Government in the House of Peers. Lord Glenelg then stated that it was his object to promote emigration to the West Indies, because he thought it was desirable, to give a stimulus to the labour and industry of the negro race, to introduce a competition of labour, and thereby prevent the West Indies from declining, and the Colonies from falling into that state of barbarism which might be the case if the negro race should be found averse from labour. He stated likewise that it was his intention to contiuue the Order in Council until the year 1840; the time at which he spoke was March, 1838. It was, therefore, in the contemplation of Lord Glenelg and the then Government to continue that immigration, and to endeavour to prevent the abuses that might take place under it, with a view to see whether the emigration from India to the West Indies might not be usefully and beneficially continued as a system. The opinions, however, there stated, were too strong for Lord Glenelg and his system of policy. Strong feelings were raised in the country, and they were represented by persons of great name in the other House of Parliament; and it was then agreed that the Measure should be withdrawn with a view to further inquiry. Such, then, was the conclusion of the first Bill on this subject, evidently not arising from the observations of Government as to those abuses, but from the opposition they met with in Parliament from their adversaries. In the subsequent year, when he held the seals of the Colonial Secretaryship, he endeavoured to promote immigration into the Mauritius, as an experiment by which Government might guide their aftercourse. He was told by a right hon. Gentleman opposite, and the suggesstion was a very fair one, that a better method, instead of advising Her Majesty to issue an Order in Council, would be to introduce certain clauses in a Bill, and if the House did not approve of them, the prerogative of the Crown would at least not be touched by any resolution of the House on the subject. Such clauses were accordingly introduced, and they were again defeated by a majority of that House, consisting chiefly of the political opponents of the Government. Thus, in 1840, the plan of immigration proposed by the late Government was again defeated. He thought, that at least the noble Lord could not claim the entire praise of being the first to resort to this system. The noble Lord could not say that in 1841 he turned his attention to this subject and found that it would be extremely useful to permit this immigration, taking credit to himself for the measures adopted in consequence. He had no doubt the noble Lord attended to it very sedulously, and employed the abilities he possessed in relation to this subject; but for the benefits of the Mauritius and the West Indies, it was to be lamented that he had not considered the subject with the same candour three or four years before, and that his political friends had not arrived in office with a fair and unbiassed view of the subject. So much with regard to immigration into the West Indies. With respect to the particular measure now introduced, he need not remind the House of the history of this measure during the preceding stages. It was introduced on the ground that there was not a sufficient supply of sugar in this country. Those who represented the West Indies and East Indies had observed that there was as great a supply in 1843, as in 1842 or 1841; and that, therefore, there was no sufficient reason for the introduction of the measure. Now, he did not agree with them on that subject, because he thought that in every one of those years the introduction of a further supply of sugar was required by the wants of this country, but at the same time he could not but admit that those who were told in 1841 that they might rely on the resistance by Gentlemen opposite of any further supply of sugar, on the ground of justice to the West and East Indies, and that there was a sufficient supply of sugar in this country, had some reason to be surprised and to complain of the introduction of such a measure in opposition to former Bills. He saw that with respect to the supply in 1843, there were 93,500 tons imported, while this year, up to the 7th May, there had been 57,000; with respect to the stock in hand there were 40,000 tons in 1843, and 49,500 during the present year; and with respect to the quantity entered for consumption, 79,500 tons during this year were to be set against 88,500 last year. That, he thought, was very likely to be the consequence of the uncertainty that had prevailed respecting this measure. Now, he must say, admitting, as he was ready to do, that it was proper to introduce a measure on this subject, he thought it desirable that Government should have reviewed the whole subject, and considered what measure was most advisable for the country as a permanent system, instead of introducing a temporary measure, uncertain in its effects and singular in its character, and reserving all the main parts of the question for further deliberation. He owned it did seem to him that their maxim had been to give the greatest possible disturbance to the interests of the producer, with the least possible benefit to those of the consumer. Combining those two elements they had endeavoured to discover how the advantage to the consumer could be the least, and the alarm and disturbance to the producer be the greatest. There was a part of this measure on which much discussion had taken place that night—he meant that with respect to free-labour and slave-labour. He did not want to go through many of the arguments stated, but he must say that the result of the whole was to leave the subject in the same state of uncertainty which had prevailed on the first day of the introduction of the measure by Government. When you once begin to make a distinction as to the import of articles from foreign countries, according to their institutions, you attempt a kind of legislation most difficult to carry out with any degree of consistency, fairness, or justice. If a special enquiry were to be instituted as to the state of Java and Porto Rico, it was very uncertain what might be the result, but he should not be surprised if it were found that the condition of the labourers in Porto Rico, generally speaking, was better than that of the labourers of Java. The statement of his hon. Friend near him (Mr. P. M. Stewart), that the Slave Trade was carried on in Java, had not been contradicted. It was true, the President of the Board of Trade had said that there were 10,000,000 or 12,000,000 of people in Java, and only 30,000 slaves. That might be the case, but you were speaking on principle—you attempted to make a distinction between slave-labour and free-labour states, and it would not do to say that Parliament had determined to introduce the sugar of countries where slaves were in a very small proportion, and exclude that of countries where they were much more numerous. The whole of the discussion, after the alterations with respect to the introduction of sugar from free-labour states, confirmed him in the fairness of the judgment he had formed, when Ministers stated that the protection was to be ten shillings, that the amount of duty should be equalized for imports from all countries in the world. He had failed, however, in that Motion; and some of those most favourable to free-trade had found themselves unable to vote with him, on account of the protection given by the 10*s.* duty. Then came the proposition of the hon. Member for Bristol, and he must beg the House to consider the situation in which it had placed itself by its decision on that proposal. Let them recollect that notice of that proposition had been given for a considerable time before it came on. The hon. Gentleman gave notice of his intention, in the first place, when the House was in Committee of Ways and Means. The Bill was afterwards read a first and second time; and it was not till the House went into Committee and a night had been taken up by the Motion of the hon. Member for Dumfries, that the proposition came before the House. It was then discussed by a very full House, and a majority of twenty were in its favour on Friday, the 14th of the month. Upon the Monday, without any notice whatever, that decision was reversed by the House, and a proposition, which had been negatived, was affirmed. Now, he did not think that decision was at all like the vote on the subject of the Malt-Tax, to which reference had been made; that vote, so far as he recollected, had been passed in a House not very full, and when the subject was not expected by a great number of Members to be brought forward, and many persons, not purposely, but accidentally, were absent. It was a question, likewise, which affected the whole finances of the year, and Lord Althorp very justly said, that the House had come to a decision when many Members were not aware that anything so important would have been discussed, and that the House ought maturely to consider the whole subject, and choose whether they would have the continuance of the Malt Tax or a Property Tax. It was quite fair in the former case that the House should reconsider its decision; but on the late question of the Sugar Duties, there was nothing in the least resembling those circumstances. The first decision on the hon. Member's Motion had been taken after long notice—the next on the Monday—without any notice being given. When he entered the House he had not the least suspicion of what Government meant to propose. Various rumours had been current as to what was going on, and they had been informed that a grand and solemn meeting had been held at the Carlton Club, on Sunday, to keep the right hon. Gentleman in office; but as to what was to be proposed he believed the House was in the same ignorance as himself. Then, without notice or preparation, the right hon. Gentleman proposed that what had been negatived on Friday should be affirmed on Monday. The result was most remarkable, for it appeared that forty-nine Members who had not voted on the previous occasion supported the right hon. Gentleman, and thirty-eight Members who had voted in favour of the hon. Member for Bristol absented themselves on the second day. Four of those, of whom the hon. and gallant Member for Liverpool (Sir H. Douglas), whom he saw opposite, was one, voted against the Government propositions on the first night, and voted against the hon. Member for Bristol on the second occasion. The hon. and gallant Member explained what his intention was; he said he was against the proposition of the Government, and against the proposition of the hon. Member for Bristol. Why, soon afterwards the proposition of the hon. Member for Bristol was negatived by a majority, the hon. Baronet and the gallant Member had an opportunity of voting against the Government on another proposition, and he certainly expected the House would have had some proposal from the hon. Gentlemen who were against the Government to negative their proposition. But nothing of the kind took place; not a word was said, and they who had voted against the Government on Friday, proceeded to give their votes in its favour on Monday. Perhaps it was too late to take any further steps on that night, but they did not, up to the present stage, attempt the least opposition. The Report came, the House was now on the third reading, and not a single Member who had thus voted had declared that he meant to oppose the introduction of foreign sugars, as proposed by the Government. He could not, therefore, reconcile the conduct of hon. Gentlemen with the declarations they had made. But, with respect to the whole House, he must say that there were no reasons shown to them for thus approving of what they had rejected. Nothing more was said than that the right hon. Gentleman would not remain in office unless the House consented to abandon their proposition. For his own part, he quite agreed that it would not have been a proper course for Government to propose the continuance of the Sugar Duties of former years without alteration. After what he had declared relative to the wants of the people for a further importation of sugar, it would not have been consistent in them to do so. But he could see no objection, considering that the revenue was in no danger, that there was amply sufficient to the 5th of April, and that it would be made up in the course of next year, why they should not have supported the proposition of the hon. Member for Bristol. Sugar would have been cheaper and the consumers benefited; and he thought that Ministers might have taken this course, especially after the House, by a previous decision, had placed themselves in a position ill-becoming the House of Commons. It was in fact a question between the character of the House of Commons and the pride of the Ministry: and the Ministry, rather than that their pride should be let down, had sacrificed the character of the House of Commons. Henceforth it would be understood, whatever measures the Government might bring forward, it would be possible for the House to obstruct them, nay, entirely to defeat them—for it was very often in the power even of the minority to do so—but as to making any alteration whatever in the details of the Bill, that was not to be permitted, and the House of Commons was thereby deprived of its functions. That was a change more important, he thought, than any change in the Sugar Duties. He thought that such a system could not be maintained. If the House of Commons did not rely on its own character, and did not show on future occasions that, if the House entertained a strong opinion that a measure would be beneficial to the country, it would support the measure, and not consent to abandon it, let them depend on it the country would not approve of such conduct on the part of its representatives. There never was a time, so far as his observation went, when, at particular elections, it was more agreeable to the electors for candidates to declare that they would vote conscientiously, according to their own opinions, and not tie themselves down either to one party or to the other. It was far more the custom than formerly, and showed the tendencies of opinion, for a candidate to say that he would be a partisan of no government, whether Tory, Conservative, Whig, or Radical—that he would adhere to his own views of politics, and would not bind himself down to support any particular party. When such was the state of opinion, if the country would perceive that so far from keeping their pledges, the Members of that House, or at least a majority, were disposed to support a measure which they thought injurious to the country, because it happened to be agreeable to the party in office, he thought they might conclude that the country would not be disposed to support the House of Commons. It was essential to the future character and usefulness of the House, whatever their politics might be, whether in support of Government, or of a more liberal character—that whatever was done by the House should be done after full and solemn judgment, unbiassed by any regard to influence which might mislead. In the particular question now before the House, he could not refrain from giving his opinion, and entering his protest against the course which had been pursued.

Sir *Howard Douglas* was obliged to the noble Lord, the Member for London, for having afforded him an opportunity of saying a few words upon his vote of a former evening. The noble Lord admits that he (Sir H. Douglas) declared his intention of voting against the proposition of the Government, and that he would likewise oppose that of the hon. Member for Bristol. But the noble Lord says, that he (Sir H. Douglas) did not intimate or entertain an intention of still voting against the Government measure. Now he appealed to the House, whether, when he intimated his intention to vote against the Amendment proposed by the hon. Member for Bristol, he did not, at the same time, declare his opposition to the Government measure to be undiminished; and that if that night, or at any other time, and in any other form, any proposition should be made against that measure, he should prove his consistency by voting in favour of such a proposition. Had the noble Lord carried out his intention of taking the sense of the House on the third reading of this Bill, he (Sir H. Douglas) should have divided with him; and he had come down that evening to the House, intending so to vote, if the sense of the House should be taken against the Government measure. Did any one mean to say that, when an hon. Member negatived any given proposition, he was thereby held to affirm any Amendment that might be moved upon it? If such were the usage of the House, he should only say that it was not consistent with common sense, and one, certainly, that he should not practice. He objected to the proposition of Her Majesty's Government, because he thought it unjust, and believed it would be injurious to the West India and Colonial interests. After such prolonged discussions on this subject, he would not go into the details of the Ministerial measure. The House, he hoped, would allow him to say, that he was in possession of all the facts and figures of this question. But his objection to it was taken on higher grounds. He had always advocated the Colonial principle, in this House, and elsewhere. He advocated the principle of protection throughout our Colonial empire, the principle which had created that empire, and by which only it could be kept together. He (Sir H. Douglas) would now pass on to the Amendment proposed by the hon. Member for Bristol. He objected to that Amendment, because the protection, generally, was not adequate; the duty on foreign clayed sugars insufficient; the classification not sufficiently carried out; and because the proposition was worse, —he characterised both as bad,—than that of Her Majesty's Government. In his opinion, the West India body had never committed a greater mistake, than when they resolved to support the proposition of the hon. Member for Bristol; because so far they would be held to recognise or concede the principle of admitting foreign sugar. He (Sir

H. Douglas) thought it would not be practicable to discriminate, effectually, between free labour foreign sugar, and slave labour foreign sugar. But he took his stand on the impolicy of importing any foreign sugar at all into this country at present, as unjust and unnecessary. He objected to the admission of any description of foreign sugar to compete with British sugar, until the West India colonies shall have been afforded ample opportunity of trying and ascertaining the result, there, of the interesting experiment, with respect to the immigration of free labour, which is now making with so much advantage, and with every appearance and hope of success in the Mauritius; and because he thought it was not fair to bring the West India colonies into competition with any foreign sugars, whilst they were bound, hand and foot, by the difficulties and disabilities under which we had placed them, with respect to labour. The noble Lord, the Secretary of State for the Colonies, had shown that it was not safe to extend to the West India colonies, the introduction of Hill Coolies, until it should have been tested in the Mauritius. Admitting, then, that the noble Lord has not been tardy in extending that boon to the West India colonies, it appears to him that Her Majesty's Government have been precipitate in interfering, as by this Bill, with the West India interests in particular, by not having deferred this, or any other measure, until those colonies should have been in possession of additional labour for a sufficient time to show the working of the recent measure, and to prepare for the competition which they may be destined to sustain. In the meantime, it does not appear that British sources are inadequate to the supply of sugars. For some time after the passing of the Slave Emancipation Act, when we indulged our humanity so largely, at the cost of the West India interests, the importation of sugar from those colonies, which, in 1831, amounted to about 4,100,000 cwts., fell off to 2,100,000 in 1841, when it changed its sign, and a progressive increase is now taking place. Is this favourable change now to be arrested? Mauritius likewise suffered greatly from want of labour; its production fell off; it is now largely increasing, and the best effects from the experiment of immigration might, he knew, be confidently entertained. Then, in the East Indies, that rich and boundless space which we possess, production is rapidly increasing, and from it, if steadily protected and stimulated by British capital, the supplies of sugar must be immense. In 1832, there were imported from the East Indies, 88,000 cwt. of sugar; and now the importation has risen to 1,200,000 cwt., and might have been vastly greater, if assured of protection. Taking the quantity likely to be imported this year from British possessions, at 225,000 tons, and looking to the stock in hand at the beginning of this year, say at 49,000 tons, with a consumption that cannot be rated higher than 205,000 tons; it is clear that there is a margin of production and importation over consumption, sufficient to show there was no immediate necessity for the measure now under discussion, and that we might safely rely on the sources which we possess for the supply of sugar. The supply of British sugar is increasing, price has been diminishing steadily since 1840, and is now moderate; the Revenue has likewise increased, and is now maintained. All this ought to have convinced the Government that there is no real necessity for the measure they have proposed. Much has been said of commercial unions, hostile tariffs, leagues and rival combinations against the commerce, manufactures, and power of this country. Sir, in the vastness and unbounded resources of our colonial em-empire, we possess a league which may defy all rivalry, and defeat all combination and hostility, provided we adhere firmly to the great principles by which this colonial empire has been formed, and by which only can it be kept together. On that principle he (Sir H. Douglas) had voted against both propositions; they were both deviations from the principle to which he had adverted; the one proposing, and the other admitting or conceding, the importation of foreign sugars; and, because neither of them provided a sufficient and adequate degree of protection for British sugars. By voting against both, he had not committed himself, either in principle or in degree, to either of these concessions. He denied the necessity, and objected to the principle of resorting to foreign nations for any productions which our own possessions could, if properly protected, supply in abundance, and at moderate rates. He might, when called upon to vote on the last occasion, have walked out of the House, and have declined to vote for the proposition of the hon. Member for Bristol; but such a course never had been, and never should be his practice. He (Sir H. Douglas) would appeal to the Speaker, whether, in every such case as this, the question did not resolve itself into two distinct propositions, upon which two distinct divisions were to be taken; the first question put was, whether the Ministerial proposition should stand part of the Bill? to this he (Sir H. Douglas) said no. The next question put was, that the blank be filled up, by the amendment proposed by the hon. Member for Bristol; to that also he voted in the negative; and he did not regret having given a negative to both propositions. If asked what his motives and expectations were of the consequences likely to result from negativing both motions, and which, so far as he (Sir H. Douglas) was concerned, he was resolved should be the case, he would say, that the natural result, the necessary consequence would be, that Her Majesty's Government would allow the present Sugar Duties to remain in operation re-enacted for another year, unless they were prepared now to bring forward some comprehensive, and enduring measure, really beneficial to all parties. By thus acting, he (Sir H. Douglas) had kept himself free and clear, in an uncompromised position, to give his best consideration to any great comprehensive and permanent plan for the settlement of the Sugar duties, which the Government might hereafter bring forward; and when that time should arrive, he should go into that discussion with a sincere desire and determination to act in a manner which he might think due to the real interests of this country, to the general interests o our Colonial empire, and in particular to our West India Colonies, suffering, as they have done, and still are. There could be no material reduction in the price of sugar, without a considerable sacrifice of revenue; but whatever might be done in this respect, he (Sir H. Douglas) would never consent to any scale of duties that should discourage the production of British sugars, or displace by foreign sugar one particle of British sugars in British markets

Sir *R. Peel* said, he was unwilling to say one word that should have the effect of prolonging the discussion, because he was most anxious to proceed with other business of the greatest importance; and nothing should have induced him to utter a syllable upon the present occasion, except the speech of the noble Lord opposite. He must first say, that he thought his hon. and gallant Friend, the Member for Liverpool, was perfectly justified in the vote he had given the other night. He knew that his hon. and gallant Friend was decidedly opposed to the measure of Her Majesty's Government, and he knew that his hon. and gallant Friend was opposed also to the measure of the hon. Member for Bristol. His hon. and gallant Friend appeared then to him to be perfectly consistent in taking the course he had taken, namely, giving a vote in opposition to both propositions, and if the noble Lord would to-night have proposed that the third reading of the Bill should be rejected, he would probably have found that the hon. and gallant Member would have been perfectly ready to support him. [Sir *H. Douglas*: Hear]. The noble Lord had asked why the hon. and gallant Member had not given notice of a Motion for opposing the Government scheme. Why, when the Motion of the hon. Member for Bristol had been defeated, the hon. Gentleman himself said, that he would not persevere in opposing the Government proposition, and the determination of the hon. Gentleman met with unanimous concurrence; and when he said, that he would not take the sense of the House against the insertion of the 24*s*., there was great cheering from hon. Gentlemen opposite. No one urged him to perseve.e in taking the sense of the House, and the vote passed without a single observation on the part of any hon. Gentleman. He thought, therefore, that his hon. and gallant Friend and those Gentlemen who had opposed Her Majesty's Government, and also opposed the proposal of the hon. Member for Bristol, had acted a part perfectly consistent with their views and intentions, and he did not see how they could have taken any other course, holding the opinions they did. Not only, therefore, was his hon. and gallant Friend justified, but if he had taken any other course he would have acted inconsistently. Now, in regard to the speech of the noble Lord this evening—after the declaration of the noble Lord, and after the opportunity for mature deliberation, he must say, that the Government were perfectly justified in the course they took in attempting to persuade the House to rescind the resolution to which it had previously come. There appeared no distinction between this case and the rescinding of the vote regarding the Malt Tax. Due notice was given in that case. Lord Althorpe came down and asked the House to reconsider its decision, and prevailed upon the House to rescind its resolution. When the rescinding a resolution happened to be in conformity with the opinions of the noble Lord, nothing was heard of such a course being in the least degree degrading to the character of the House of Commons. There was in that case a formal, solemn resolution of the House of Commons to diminish the Malt Tax by one-half. Lord Althorp took the same course the Government had now taken, and he succeeded in prevailing upon the House to rescind its resolution. At that time there being then a very powerful Government, not a word of condemnation or reflection upon the House of Commons was heard. But what did the noble Lord say to this—that his own right hon. Friend near him, the late President of the Board of Trade, also expressed a hope and conviction only a few nights ago, that he should succeed in persuading the House to rescind a resolution to which it had previously come. The right hon. Gentleman said he could make out a case against its last decision, and hoped he should be able to induce the House to rescind it. Such confidence had he in reason and the force of argument. The noble Lord had probably been induced not to ask the House to reject this Bill, because he felt that such a course would be inconvenient with the doctrines he now maintained. If it were competent to the Opposition to ask the House to rescind a resolution, why not to the Government? The question must be as regarded the public interest. The Government thought that the vote was not for the public interest, and they again submitted the question to the House. Putting the question calmly and deliberately, he (Sir R. Peel) was still of opinion that the Government proposition was preferable to the other. He did not wish to make use of any taunts, or to insinuate or impute motives; but he still thought that the original Government proposition, in regard to British sugar, and affixing upon foreign free-labour sugar a duty of 10*s.* in addition, was preferable to the proposal of his hon. Friend, the Member for Bristol, that there should be a prospective reduction of the duty of 4*s.* in November next, and that there should be an additional protecting duty for certain classes of sugar of 14*s.* Entertaining that opinion, he could not help thinking it was becoming in the Government to submit all the facts of the case to the reconsideration of the House; and if they thought that the reasons shown were good and tenable, to attempt to persuade the House to rescind its resolution. He thought the Government proposition preferable on these grounds. To reduce the duty in November next would be unfavourable to the consumer of sugar. There was a great objection to the prospective reduction of duty, definite in amount, to take place on a certain day. He thought that a reduction, definite in amount and point of time, had a great tendency to disarrange the internal retail trade in sugar. He thought it was disadvantageous to the consumer on this account, that there would probably be no reduction of price in the interim until November. The profit would go into the pockets of the grocer and retail dealer, who might accidentally happen to have a large supply on hand, and so dole out an insufficient supply to keep up the market price. He believed it would be a loss to the revenue without any corresponding advantage to either the producer or the consumer — that the whole benefit would accrue to the dealer. Still entertaining this conviction, there could not be any inconsistency in coming to the House and asking it to reconsider their former decision. The noble Lord took a different view. He, however, thanked the noble Lord for his admission that the Government could not have proposed a continuation of the present duties. His (Sir R. Peel's) hon. and gallant Friend thought that that would have been the wisest course for the Government to adopt, and it was probable that a great number of the West Indians who had voted with the noble Lord, had done so under the confident impression that that would be the result. That was the advice tendered to the Government under the present difficulty. Now, with the increased demand, and the tendency to increased price, the Government thought it desirable to admit a supply of free-grown sugar, and they determined to adhere to that course. He could not, he admitted, perfectly understand why the noble Lord had on this occasion united with those who had quite a different object in view from himself.

No doubt the noble Lord was actuated by motives of public good, but he still thought it was the duty of the Government to resist the combination that was formed, and to attempt to procure, from the deliberate sense of Parliament, a revision of the decision to which it had formerly come, if a rescinding of that decision was best for the public interest. He adhered to that decision, he rejoiced at the course that had been taken, and he could not see any discredit attaching to the House of Commons in reconsidering their decision. He never could believe that the House of Commons could throw discredit upon itself by adopting that proposition which was best sustained by reason and argument. An hon. Gentleman opposite had asked what were the difficulties in the way of reducing duties on sugar. There were certainly difficulties arising from those who were the strenuous advocates for retaining protection, but when he looked around him, and came to deal with details, by far the most formidable opposition he had to encounter; was from those Gentlemen who were loudest in their declamations about free-trade. There was the hon. Gentleman opposite (Mr. Mangles), who was a purist in respect of free-trade —had been attempting to show to the House that it was unjust to diminish the protection to East-India sugar, and endeavoured to persuade the Government that they ought to wait until all the speculations that had been entered into had been brought to perfection; and declared that both East and West India interests were treated with the grossest injustice, because it was sought to introduce sugar from Manilla, Java, and China. Now, when would the hon. Gentleman be prepared to admit foreign sugar into the market? How can the hope of the hon. Member for the introduction of slave-grown sugar be consistent with the doctrines he had held to-night for the maintenance of the East-India monopoly. The hon. Member had said that machinery had gone out to the East Indies, to the value of 20,000*l.*, to give increased advantages to the production of sugar, and he called for protection to enable the growers to compete with the coarse processes of other countries. So it was, when a practical measure was brought forward —such as there was a probability of carrying—it was directly denounced as a step of the grossest injustice towards some interest. The hon. Member put him in mind of what happened when a reduction in the duty on cheese was contemplated. An hon. Member who was a stanch free-trader got up and said, as the representative of the county of Cheshire, and though devoted to free-trade doctrines, he could give excellent reasons why cheese was peculiarly entitled to be exempted from the experiment; and he should, therefore, support Government in resisting any reduction in the duty on cheese. And now the hon. Gentleman opposite said he had no interest in the West Indies, but he had the strongest feeling for the East Indies; and yet he appealed to the West-India interest to combine and co-operate against the Government, and at the same time appeal to the people on the ground of free-trade. The hon. Member for Durham might depend upon it that the removal of protection was accompanied by great difficulties, but the greatest difficulty would be found to be, the opposition of those who were the professed advocates of free-trade. Those who are prompted by motives very different and dissimilar in their opposition to the measures of the Government say, when some remedial measure is introduced by Government, now let us confederate together and sink our differences, in order to procure from the Government a remedial measure of a more comprehensive charecter. This should be our object in the first instance, but above all let us take care to decry and to trample upon every smaller concession which may at all trench upon our particular interests.

Bill read a third time, and passed.

BANK CHARTER—THE CURRENCY.] On the Order of the Day for the Committee on the Bank Charter Bill,

Mr. *Wodehouse* inquired if it was the intention of Government to introduce any measure for revising the system of banking in Scotland and Ireland in this or the ensuing Session?

Sir *R. Peel* said, that when Parliament had affirmed the measure with respect to England, the Government would apply themselves to the subject, and put themselves in friendly communication regarding the currency both of Scotland and Ireland with the proper parties. The question of the banking and currency of those two countries would undergo the fullest consideration of the Government, and they would endeavour to bring in a measure which should meet with the approbation of the two countries. He could not enter, however, into details, or fix a specific period.

Mr. *Raikes Currie* said, that allusion had been made in the course of the debate to a very remarkable Memorial which had been presented to the right hon. Baronet at the head of the Government, and which was signed by a considerable majority of the private bankers of the city of London. He (Mr. R. Currie) had the misfortune to differ from the views of that Memorial. It was signed by the firm to which he had the honour to belong. His partners, for whom he entertained the greatest regard and respect, differed from him, and agreed with the majority of the London Bankers. In compliance with what they knew of his views, they had offered to abstain from signing the Memorial; but as he thought that the only intelligible principle in such matters was, that the minority should be ruled by the majority, he begged they would sign it, reserving to himself the right of expressing his individual opinion on any future occasion. This was a purely personal matter, but it was necessary to guard himself against the charge of inconsistency. He was bound to say, that the Memorial had received the signatures of a body of men who would always be entitled to most respectful attention; and on this occasion, having expressed their opinions on a subject on which they had much experience and practical knowledge, he had no doubt their Memorial had received from the right hon. Baronet the fullest consideration; but though it was true that those were the opinions of a majority of the private bankers of London, still there were many, not only bankers, but commercial men, who differed from those opinions, and agreed with him. When he alluded to the names of Mr. Loyd, Mr. Grote, and Mr. Norman, he might almost say, "errare malo cum Platone quam cum istis vera sentire." Those who signed that Memorial, as far as he could collect their sentiments from the speeches and votes of the hon. Member for London (Mr. Masterman), and the hon. Member for Westmoreland (Mr. Thompson), their exponents in that House, declared that they agreed in the principle and object of the measure. Now, this he did not understand. If they agreed in the principle and object of this measure, then the wishes of the memorialists seemed to him inconsistent and unintelligible. What was the object of the Bill? He took it to be single, definite, precise—namely, to secure under all the circumstances to which legislation could apply, a perfect and complete convertibility of your paper currency. But the hon. Member for Lambeth (Mr. Hawes) assumed, for the purpose of his argument, that the promoters of this Measure had quite a different object in view. He supposed that it was intended as a panacea against commercial viscissitudes and great oscillation of prices. Now, he (Mr. R. Currie) would maintain that the measure was proposed with no such view; but its supporters could not argue the question completely, without showing its incidental effects on prices, and in promoting comparative steadiness, as contradistinguished from that defective system which often exaggerated and intensified those fluctuations, which are, however, necessarily inherent in a great commercial community. He repeated, that the primary, definite object of the Bill, was to secure the practical convertibility of paper into gold. Now, if there were any men who thought that this was a chimerical or an improper object, it was much fairer that they should say so, because he could not understand how those who really understood and approved the object of the Measure, could consistently take the course they were pursuing. There was another point which the real and true assertors of a metallic standard held, and which the memorialists, he presumed, professed to hold in common with them, and it was this: the assertors of a metallic standard, in all its integrity and truth, held that the normal state of things, and in the abstract the sound state of things, was a purely metallic currency, but they departed from this, and adopted a mixed system of paper money upon two considerations—from considerations of economy and convenience; by economy, he meant, of course, the release of that portion of metal which was represented by paper; and by convenience he simply meant, what he might almost call physical convenience, security against robbery and loss, and the facility of carrying on all commercial transactions by a paper currency. They now, then, arrived at something which would afford a test of men's opinions. And he entreated the attention of the House to this, because this was the real practical point. Did the memorialists, or did his hon. Friend (Mr.

Masterman), who represented their opinions, expect from our mixed system, from a convertible paper money, did he expect advantages other than those two advantages of economy and convenience? He believed that it was here that that fallacy arose which he suspected to be more or less vaguely lurking in men's minds, and which had such influence in the formation of their judgments upon this question. They seemed to have some idea of gaining by means of a convertible paper currency, some advantages of commercial credit, some facility in the way of discounts, some relief from the pressure of taxation. These might be very admirable objects to aim at, and might possibly have been attained by former systems of an inconvertible paper currency; but the moment they aimed at those points, in addition to those other advantages of economy and convenience which he had already mentioned, in a convertible currency, experience proved that they endangered a perfect convertibility of bank notes, which they all agreed in saying was the great object of this Measure. To those who agreed with the principles he had stated, the rule, laid down in the Bill for the administration of the currency, came recommended with all the closeness of a strict logical sequence. If you considered a metallic currency to be the normal and sound state of things, and if you admitted a mixed paper currency for the sake of economy and convenience alone, then it followed that the more completely and closely in all other respects you assimilated a perfect convertible currency to a metallic currency, the more completely you attained your object. What was a more important characteristic of any currency than its fluctuations? Now by this Measure it was proposed to make the fluctuations of the paper currency correspond with the fluctuations of the metallic currency. What he charged the memorialists with was the inconsistency of admitting all our premises, and shrinking from all our conclusions. That was a course he could not understand. What did the memorialists ask the right hon. Baronet (Sir R. Peel) to do? They asked him to insert in the Bill, a Clause which should vest in the Government, in conjunction with the Bank, a discretionary power to interfere, in case of some supposed emergency, to enlarge the issue of paper. But the whole principle of the Measure, as far as he understood it, and that which the Bill professed to establish by a legal sanction, was the principle of non-interference. By this Measure, it was declared that this convertible currency should be removed altogether from the discretion of any man, or any body of men, or any Bank or Government. That was the very key-stone of the Measure. They admired the geometrical principle of the arch, they commended its completeness and simplicity, and then they suggested as an improvement—to leave out the key-stone. He (Mr. Currie) was somewhat surprised at the observations which the hon. Member for Nottingham (Mr. Gisborne) had made in reference to a Gentleman whom he had rightly termed the ablest promulgator of this Measure. The hon. Gentleman said, the other night, that Mr. Jones Loyd was a friend to free-trade in everything else, but its opponent as regarded his own monopoly. This was unmeaning and unjust, for the only monopoly the private bankers enjoyed, namely, the privilege of acceptance as against joint stock banks, was destroyed by the Bill. If a private London banker gave his opinion in favour of this measure, he had at least a right to claim credit for giving an impartial judgment. The memorialists had been far too wise to complain of the mode in which their situation was altered. They were well convinced, whatever their politics might be, that the time for monopolies was past. He wished now to address a few remarks to some observations which had fallen from the hon. Member for London (Mr. Masterman). He had argued that when the balance of trade was against us, either owing to the importation of foreign corn, or the prevalence of a disposition to invest in the foreign funds, that when people went to the Bank for supplies, the Bank, in order to meet that demand, would sell securities, and by so doing would produce such a tightness of money, and such general alarm, that it would, in all probability, be attended with the most fatal consequences. He thought that this was much overstated, but allowing that some anxiety would be caused, this was just the argument he would use in favour of the present Measure; because, if caution were engendered, and if timely alarm were taken, that would necessarily bring back the gold to this country, and protect us from those extreme dangers and oscillations of prices, which we were subject to under the present system. Another *ad captandum* argument was supplied by those who spoke as if the present measure was one which exclusively favoured large capitalists. Now, one of the strongest points in favour of it was, that it did nothing of the sort. He (Mr. Raikes Currie) could speak from the experience of some years, and he would say, that on the other hand, that under the system which they were now about to abandon, the large capitalists often possessed a great advantage over the small one, and had undue power; he could foresee better than others when those violent changes were coming, and then the Bank of England (who, by their own bad management had perhaps raised the storm) opened an haven of refuge to the large capitalist, which was closed to the small trader. Thus it was a matter of history, that when the circulation ought to have been diminished, notes were issued, that is to say, money was coined, to assist influential parties. He (Mr. Currie) had supported the measure in all its stages, and he should continue to support it. Its principle had been affirmed by an overwhelming majority, and when it was carried, as it would be in all its integrity, he thought the right hon. Gentleman who had proposed it, might look back with well-earned satisfaction to his connexion as a public man, with the great changes of the monetary system of this country. By his Bill of 1819, he restored the standard, he had maintained that standard against all assailants, against great obloquy, misrepresentation and abuse. The country, perhaps, scarcely appreciated its obligations to the right hon. Gentleman in this particular, because by his position and abilities, and the powerful arguments he could at all times command, he had so effectually scattered to the winds the "little shilling" gentlemen, and had so completely abated and dissolved the whole body of currency doctors, that men were apt to forget their former force and influence. He (Mr. Raikes Currie) perfectly remembered, that when, in the year 1830, he was speaking on public affairs with the late Member for London (Mr. Grote), that Gentleman declaring, that that which he believed to be the besetting danger of this country, was the attempt, by a depreciation of the currency, to rob the public creditor. He (Mr. Raikes Currie) mentioned this in order to show what was at that period the strength of that party. But a remarkable change had since come over men's minds; and almost all were now, at least in profession, anxious to maintain that standard. The hon. Member for Warwickshire (Mr. Newdegate) did seem, indeed, to be a little infected by the atmosphere of Birmingham, but he stood almost alone. Some years ago, it was far otherwise: then there was monetary "wickedness in high places;" even the right hon. Baronet the Secretary for the Home Department, when looking at this question through the mists of Cumberland, took rather a hazy view of the subject. It must be a great satisfaction to the right hon. Gentleman at the head of Her Majesty's Government, to have purged the vision, and convinced the candid mind of his right hon. Colleague. The right hon. Gentleman had restored the standard, and maintained it against all assailants, and now by this Bill he would secure to the country a safe administration of that currency which he had so restored and so maintained. He (Mr. Raikes Currie) should give to the Measure his humble, but most earnest support, believing that it was based upon the soundest principles, modified in their application to existing circumstances by great practical sagacity.

Mr. *Gisborne*, who rose for the purpose of explanation, stated that the principal part of his observations relative to Mr. Loyd was, that that gentleman was one of those free traders whe said, "Free trade in everything except that in which I deal." He (Mr. Gisborne) had used the word "monopoly:" he acknowledged it was unnecessary, and he regretted that he had used it. But the substance of what he said was, that Mr. Loyd placed himself before the world as a free-trader in everything else, but in credit, which he believed was the article in which that Gentleman dealt.

Mr. *Newdegate* said, that since some misunderstandings of his opinions on the advantages of a convertible Currency appeared to exist among hon. Members, he was anxious to explain that he did not ob-object to the principle of convertibility, of which he approved, but he objected to the manner in which it was now to be applied to the circumstances of this country—a country burthened with a debt of 800,000,000*l.*, chiefly contracted under a paper currency. The Measure was a refutation of its own principle. If perfect convertibility was practicable, why was 14,000,000*l.* to be issued on securities? Why should the key-stone of the arch, talked of by the hon. Member for Northampton, require that mortar? The chief difficulty against applying the principle of absolute convertibility arose from our very high Currency standard. The pound contained so much of the precious metal, that it was difficult to maintain convertibility on our present metallic basis; and the proposal of 14,000,000*l.* paper issues showed this. He (Mr. Newdegate), in the course he had taken on this question, had been impelled by a strong sense of duty, when every private consideration would have persuaded him to hold his peace. But he had, for some time, watched the monetary system in this country, and he thought it necessary to have a paper superstructure resting on a metallic basis. The Measure before them bore him out in saying, that they never could ensure perfect convertibility with so high a standard. The difference then, between him and the supporters of the Bill was, that they proposed to limit the amount of securities by too stringent a rule, and to a sum, he thought, far too small for the necessities of legitimate commerce. The proposal before the House would involve the retention by the Bank of an amount of bullion equal to the present stock, being double the average of past years. How this was to be obtained he knew not, unless by the same means that had already produced it—great depression of prices. Prices had fallen very much in the last three years, and the depression caused a great amount of bullion to come into the Bank's coffers. As we have got our present bullion, this Measure proposes we should keep it, by depression of prices; and if exchanges diminish our bullion, and I expect they will—so again must we make up the difference by depression of prices, as we have done before.

Sir *W. James* was desirous of mentioning a few facts which had crossed his mind. The industrious classes of the community experienced great difficulty in obtaining gold to carry on their business. [The hon. Baronet was proceeding to show by references to the official, and declared value of exports, that merchants and manufacturers of the present time exported more than double the amount of goods for the same money sums formerly received by them, when the interruption became so persevering that he suddenly resumed his seat, with an observation that, though he had intended to say much more, he considered that it was perfectly useless to address Gentlemen who were determined not to listen to him.]

House in Committee.

On Clause five,

Sir *W. Clay* wished to know the meaning to be attached to the words "Her Majesty in Council." If its meaning was to give an unreserved power of determining the issue of Bank of England notes to the country, he should oppose the terms in the Clause, and take the sense of the Committee upon them.

Sir *R. Peel:* Sir, when Parliament determines that only a certain amount of notes shall be issued on securities, the increase of that amount will be an important fact, of which the public ought to have due notice. The words in the Clause direct that the Bank shall notify to Her Majesty in Council the circumstances under which alone an increase may take place. These circumstances are an extinction, from some cause or other, of some portion of that amount of paper issues, which other banks than the Bank of England will be allowed to enjoy. The Bank of England having 9,000,000*l.* of notes in the banking department, more than sufficient to supply the metropolis, if, for instance, 100,000*l.* of country notes be withdrawn, in that case the Bank will very properly supply the void from the banking department without disturbing the arrangement as to the 14,000,000*l.* issuable on securities. But if the whole amount of the country circulation, 9,000,000*l.*, be withdrawn, in that event the Bill permits the Bank to supply the void, but requires the addition of bullion in the case, I suppose, to the extent of 3,000,000*l.* With every respect for the Bank of England, I do think that it is desirable, having reference to the past, to take security that no fresh issues should be made without the intervention of the Council. If the Bank professes to issue notes on two-thirds of those notes withdrawn, the Council, I have no doubt, would not hesitate to act ministerially, and give the requisite permission. The power conferred by this Clause is an additional check on issues without apparent securities; and its only object is a precautionary one—to see that the principle of the Bill is carried out and acted on. I cannot apprehend any inconvenience from the process, as it is not intended to create any additional influence for the Executive Government.

Sir *W. Clay* objected to the power. He objected to the control of the Government over the circulation on political grounds, as it gave them a power which was too great to be confided to any hands. He therefore moved that the words "Her Majesty in Council be empowered to grant permission" be omitted.

Sir *R. Peel* could not perceive the possibility of abuse. The hon. Member must have been driven very hard for an argument when he supposed that any partiality could exist on the part of the Queen in Council for any particular locality in regard to the issue of notes on securities.

Mr. *Muntz* asked if this Bill and its system was to regulate the circulation of the Bank of England and Joint-stock banks, why could it not regulate the currency as well? What would be the consequence of withdrawing 100,000*l.* of local notes and replacing them by Bank of England notes?

Sir *R. Peel* said, that assuming the circulation of the country banks to be 9,000,000*l.* and that of the Bank of England 21,000,000*l.*, and that the country circulation of 9,000,000*l.* was suddenly withdrawn, the case would stand thus:—They permitted the Bank of England to issue 14,000,000*l.* of the 21,000,000*l.* upon securities, and assumed that an issue upon bullion of one-third, or 7,000,000*l.* would ensure the whole convertibility of the 21,000,000*l.* Supposing, then, the 9,000,000*l.* to be voluntarily withdrawn by the country banks and supplied by the Bank of England, they admitted at once that 7,000,000*l.* would not be sufficient to support the convertibility of 30,000,000*l.*, and would apply the same principle to the additional 9,000,000*l.*, which they had applied to the 21,000,000*l.*, namely, that 3,000,000*l.* be issued upon bullion, and 6,000,000*l.* upon securities. If the estimate of the total circulation of notes throughout the country should be 30,000,000*l.*, then there must be a stock of 10,000,000*l.* of bullion in order to support that circulation, upon the same principle that a stock of 7,000,000*l.* bullion was asumed to be sufficient to support a circulation of 21,000,000*l.*

Amendment withdrawn. Original question again put.

Sir *W. Clay* asked where the gold was to come from which was to be the basis of the one-third of these issues from the Bank of England? If from the existing circulation, there must, of course, be a diminution to that extent of the whole circulation. From the country issues? That could not be, according to the statement that the country bankers kept no gold as the basis of their issues—a statement, indeed, contradicted by the hon. Member for Truro, for they need not keep more gold than was required for purposes of convenience, seeing that Bank of England notes were a legal tender. Was this gold, then, to come from the banking department of the Bank? Why, the Bank, like all other banking concerns, only kept money enough for current purposes. Was it to come from the issue department of the Bank? That would be but taking out of one hand to put into another. The effect of the requiring, then, one-third of these Bank issues to be on gold must be to cause *pro tanto* a diminution of the currency. It was agreed the circulation was not now in excess. If it should be hereafter so, the present measure was designed to cure it. Where was the principle gathered that a paper currency should be on one-third gold and the other two thirds securities? It was a purely arbitrary rule, derived neither from principle nor experience. The only rule to go by was the amount of drain from abroad, as the measure of bullion we required for the basis of our circulation. Under a sound system there could be no such drains as 7,000,000*l.* or 10,000,000*l.* The real security was not the amount of bullion. With these convictions, and feeling that a defalcation in the circulation to the extent of 3,000,000*l.*, the amount alluded to by the right hon. Baronet, would cause great derangement, he must persevere in his objections. The hon. Gentleman concluded by moving the Amendment of which he had given notice, viz., in Clause 5, lines 38 and 39, to move the omission of the following words:—"The proportion of."

Sir *R. Peel*: I do not understand how the hon. Gentleman can contend that this Clause is inconsistent with the principle of the Bill. I wish to keep up the full amount of the currency, to exclude every 5*l.* note, provided it is not convertible. There will be no diminution of the circulation. The hon. Gentleman may depend upon it that there is nothing calculated to give greater security to trade, and to diminish speculation generally, than for the public to be sure that, if there should be a demand for corn, that there will be no risk of the currency being disturbed by any diminution of the bullion in the Bank. Notwithstanding the hon. Gentleman has studied the question, I really believe, from the nature of some of the expressions which he has let fall, that he is not entirely master of the subject.

Mr. *Gisborne* asked in what possible way was this country to obtain gold except by offering more manufactures in exchange fȯr it than other countries? That would be the effect of the hon. Baronet's measure, viz., to lower the prices of manufactures. It was his great objection to that measure that it tended to lower prices. That Clause placed circulation in a very different state to that which it was then in. It would have the effect of curtailing the currency. He really thought that that measure of two-thirds was not based upon the principle of the right hon. Baronet, viz., that he did not wish to curtail the currency.

Sir *R. Peel*: Will the hon. Gentleman give me an answer to the following? It will be in the power of the Bank of England to supply the whole circulation, and at the same time part with five millions of its gold; but the Bank has fifteen millions; now ten millions will be sufficient to work with; if the Bank parted with five millions would it not still have six millions to insure the convertibility of its paper?

Mr. *Gisborne*: The right hon. Baronet had asked him a question, which he could answer by asking one also of the right hon. Baronet. The right hon. Baronet had referred to the highest amount; why might he not refer to the time when there were only 2,000,000*l.* in the Bank?

Mr. *C. Wood* said, that the additional case of emergency which the hon. Gentleman spoke of had no reference whatever to the Clause of the Bill which they were then discussing. He thought it would be much better to postpone the discussion of it then, until they came to the Clause which had reference thereto. The question was simply this, when country bankers might withdraw their circulation, should the Bank supply the deficiency by its notes? The emergency contemplated by the hon. Gentleman was amply provided for. It was important to look at the present state of the Bank to judge of the effect of this measure. As to its future state there might be a difference of opinion, but he thought that this Bill would in future prevent the Bank from getting into those difficulties which bad management had sometimes brought upon it. But, looking at its present state, if the whole of the country circulation were exchanged for a Bank of England circulation, and two-thirds of that fresh circulation were issued on securities, there would still be in the Bank a reservoir of bullion to the amount of 2,000,000*l.*, so that what this Bill proposed could be accomplished without in any way contracting the circulation.

Mr. *S. Wortley* said, that the hon. Gentleman had supposed a time when the Bank would be called upon to supply the whole country circulation; but what he wanted to know was how the Bank could do so, acting upon the principle which it had deliberately laid down, with the approbation of Parliament—that one-third of their issues should be supported by bullion, and the other two-thirds by securities.

Mr. *F. T. Baring* said, there could be no doubt that this part of the Bill must have a contracting influence. It was true that as matters stood at the Bank at present there was no necessity for availing itself of this Clause; but the change of the country circulation into the Bank circulation would cause an efflux of gold, which would render the Clause then available; and the consequence would be a contraction of the circulation to the amount of three millions. There was however, a check to this, in this respect, that the Bank of England had no interest in acquiring these fresh issues; but would on the contrary, lose by it. It should be remembered that they had not relieved the Bank from responsibility to the proprietors, whose influence had been more prejudicial in the management of the Bank than any other. With that check, which he considered amply sufficient, he thought they ought to leave every latitude in a measure which must be regarded as a great experiment; and one of which he would not risk the success by forcing upon the Government any positive reduction.

Mr. *P. M. Stewart* could assure the House that this Amendment involved no violation of the principle of the Bill; for the country circulation was not based upon bullion, but upon Bank of England notes. It was very easy to talk of this plan over full coffers, but he was sure the right hon. Baronet wished to make it suitable for all weathers; and not, as he had heard it called, a mere summer ship, which would be blown to pieces by the first storm. That proposition of one-third bullion, and two-thirds securities, was founded on a mere ideal proportion very seldom acted upon.

Lord *J. Russell* was unwilling to vote against the right hon. Baronet; for he considered this, on the whole an excellent measure, though a bold experiment, and not without risk. He could not agree with his hon. Friend who had put the question on the present state of the Bank; for they all knew that the harvest and a sudden demand for money would bring about that change in the circulation which had been proposed. If the country circulation, from any circumstances should be withdrawn, then six millions would be required on securities to supply the void. The right hon. Baronet said he did not wish to restrict the circulation; but what inducement was held out to the Bank to obtain bullion, upon which the three millions might be issued. He did not understand at all that that was made a condition by the Government; it certainly was not expressly provided.

Sir *R. Peel* said, that many of these arguments might be applicable, if the Bill gave the Bank any power of itself to extinguish the country circulation and substitute its own; but by this Bill the country circulation might be continued or not, at the option of the country issuers. The argument was, that the country preferred country paper; but if that were so, ought they not then to be satisfied that there would be no such displacement of the country paper as was apprehended? The country issuers had a decided interest in its continuance, because in the first place it was a monopoly in their hands; and secondly, because it was a direct advantage to them to keep their securities in their own hands. It was improbable, therefore, that the Bank of England should have any opportunity of substituting its own paper for that of the country banks; but the noble Lord had asked what there was to induce the Bank of England to make that substitution; it was true the Bank would derive no profit from it; but the inducement would be, to guard itself against loss. For if the country circulation were withdrawn, and the Bank refused to supply the void, a great influx of gold would be the consequence, and the Bank would have to bear the whole expense of that circulation. It was reasonable to suppose therefore that the Bank would apply to the Government in that case, in order to protect itself from loss. Whilst the confidence in the country banks continued, the danger anticipated could not arise, and it was only in case of a partial failure of that confidence that it was probable that Bank of England paper would be substituted. He hoped that the House would recollect the embarrassments which had been entailed on this country by the fluctuations in our monetary concerns—and he hoped that they would assist the Government in requiring, in order to support the issues of the Bank, a stock of gold, the expense of providing which should fall on the country at large. It was impossible for him to consent to the Amendment. He had resisted numerous applications to alter this Bill from the most influential quarters, and he had done so from a deep conviction that by adhering to the measure he would give greater security against future embarrassments than if he had adopted any of the alterations suggested to him, and he hoped that the House would support him in his determination.

Mr. *F. T. Baring* expressed his intention of voting with the right hon. Baronet. He had heard the arguments of his hon. Friend in support of the Amendment; they were calculated to give a very exaggerated notion of the effect of the measure; his hon. Friend had spoken as if he supposed that the whole of the country circulation would come into the Bank at once; whereas really the gradual effect of this measure was one of its best features.

The Committee divided on the question that the words proposed to be left out stand part of the Clause:—Ayes 83; Noes 38; Majority 45.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Aglionby, H. A.
Aldam, W.
Archbold, R.
Baillie, Col.
Baring, rt. hn. F. T.
Beckett, W.
Boldero, H. G.
Bowles, Adm.
Bowring, Dr.
Brotherton, J.
Browne, hon. W.
Bruges, W. H. L.
Buller, Sir J. Y.
Cavendish, hon. G. H.
Clayton, R. R.
Clerk, Sir G.
Collett, J.
Corry, rt. hn. H.
Courtenay, Lord
Cripps, W.
Currie, R.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.

Egerton, Sir P.
Eliot, Lord
Flower, Sir J.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, W. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hale, R. B.
Harcourt, G. G.
Hervey, Lord A.
Howard, P. H.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Lockhart, W.
Mackenzie, W. F.
Mackinnon, W. A.
McNeill, D.
Marshall, W.
Marshall, Visct.
Milnes, R. M.
Morrison, J.
Mundy, E. M.
Nicholl, rt. hn. J.
Ogle, S. C. H.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Peel, J.
Philips, M.
Pringle, A.
Rawdon, Col.
Russell, Lord J.
Sandon, Visct.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stanton, W. H.
Strutt, E.
Sutton, hn. H. M.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Vesey, hon. T.
Waddington H. S.
Warburton, H.
Williams, W.
Wood, C.
Wortley, hon. J. S.

TELLERS.

Young, J.
Lennox, Lord A.

List of the NOES.

Bailey, J. jun.
Baring, T.
Barnard, E. G.
Baskerville, T. B.
Brocklehurst, J.
Darby, G.
D'Eyncourt, rt. hn. T. C.
Etwall, R.
Forman, T. S.
Fuller, A. E.
Henley, J. W.
Hutt, W.
Kemble, H.
Mangles, R. D.
Masterman, J.
Mildmay, H. St. J.
Miles, W.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Newdegate, C. N.
O'Brien, A. S.
O'Connell, M. J.
Pechell, Capt.
Plumptre, J. P.
Plumridge, Capt.
Pusey, P.
Seale, Sir J. H.
Sibthorp, Col.
Stewart, P. M.
Thompson, Mr. Ald.
Trollope, Sir J.
Turner, E.
Vivian, J. H.
Wallace, R.
Wawn, J. T.
Wodehouse, C.
Worsley, Lord

TELLERS.

Clay, Sir W.
Gisborne, T.

Clause agreed to.
The House resumed.

INCLOSURE OF COMMONS.] Lord *Worsley* moved for

"The appointment of a Select Committee, to inquire into the expediency of facilitating the Inclosure and Improvement of Commons and Lands held in Common, the exchange of Lands and the division of intermixed Lands; and into the best means of providing for the same, and to report their opinion to the House."

The noble Lord said, that should the House consent to the appointment of this Committee, it was his intention to withdraw for the present Session the Bill upon this subject, which he had submitted to the consideration of the House.

Colonel *Sibthorp* objected to the Motion at so late an hour of the night. What chance he would ask would the noble Lord have of bringing the deliberations of this Committee to a close before the termination of the Session? It appeared to him that the proposal so made was not characterized by fairness, nor was the Committee itself particularly well selected.

Sir *R. Peel* thought the noble Lord quite right in moving for a Committee, as he would have had little or no prospect of being able to proceed with the Bill during the present Session. He (Sir R. Peel) had originally entertained very strong objections to the Bill; but in justice to the noble Lord he must say that the strongest disposition had been evinced by him to remove the objectionable features of the measure, and to prevent its undue interference with the rights and enjoyments of the people. With the understanding therefore that the step now proposed was not to imply that the Government sanctioned the Bill in its present form, he would give his assent to the appointment of the Committee.

Motion agreed to.
House adjourned.

HOUSE OF LORDS,

Friday, June 28, 1844.

MINUTES.] BILLS. *Public.*—1ª· Sugar Duties.
2ª· Bishop of London's Estate; Harris's Estate; Marriages (Ireland); Parishes (Scotland); District Courts and Prisons; County Rates, etc.
Private.—1ª· Swansea Improvement.
2ª· London and South Western Railway.
Reported. — Ramsden's Estate; Delabole and Rock Railway.

PETITIONS PRESENTED. From Renfrew, againss the Parishes (Scotland) Bill.—From Newry, and several other places, against the Dissenters Chapels Bill.—From Great Chart, and numerous other places, for Protection to Agriculture.

POST OFFICE — OPENING LETTERS.] The Earl of *Radnor* rose to present a petition from Mr. Mazzini, complaining that his letters had been for a considerable period regularly opened in the Post Office He stated in his petition that he had been residing in England for seven years, and that his occupation was that of a literary man, and he (the Earl of Radnor) had been given to understand that as a literary man his reputation and merits were of the highest order. The petitioner further stated, that he had never in any manner infringed the laws of England or connected himself with any political party, nor had he ever entered into any seditious or treasonable correspondence. Nevertheless, his letters had been regularly opened for a period of four months; that they had during that period been regularly detained in the Post Office, the seals broken, the contents examined, and after such examination resealed with a counterfeit seal, and the post mark and all the marks of their having been opened obliterated; after which they were forwarded to him without any notification of their having been so examined. He complained of that as a great grievance by which he had been seriously injured, and he prayed their Lordships to take the subject into their consideration, and grant him such redress as they might in their wisdom think fitting and just. Their Lordships were now well acquainted with these proceedings, which had been so much spoken of throughout the country, which had produced such a general feeling of shame and displeasure—a feeling in which he (the Earl of Radnor) most fully participated. He should not detain their Lordships on that occasion by going into a minute detail of all the circumstances connected with this opening of the letters of Mr. Mazzini, for he should have a full opportunity of doing so at length on a future occasion, as he was about to give notice of a Motion on the subject for a subsequent day; but he wished before doing so to ask whether a warrant had been given for opening all those letters by the Secretary of State for the Home Department?

The *Lord Chancellor:* Have you given notice of the question?

The Earl of *Radnor*: No.

The *Lord Chancellor*: Then you cannot require an answer now.

The Duke of *Wellington*: I do not know the name of the petitioner, nor did I receive any notice from the noble Earl of his intention to put the question.

The Earl of *Radnor* said, the individual from whom the petition came was Mr. Mazzini, whose name had been recently so much before the public, in consequence of his letters having been opened at the Post Office. That individual complained that great injury had been done him by the opening of his letters, and he prayed that their Lordships should take the subject into consideration, in order that they might grant the petitioner redress. He (the Earl of Radnor) therefore gave notice that on Thursday next he should move—

> "For the appointment of a Select Committee to inquire into the practice of opening letters at the Post-office, and particularly into the circumstances connected with the opening of the letters of Mr. Mazzini, and other foreigners residing in England, whose letters had been opened at the Post-office."

Lord *Brougham* said, he wished to correct an erroneous impression into which he had been a party to misleading their Lordships, namely, that the practice of opening letters by the authority of any of the Secretaries of State originated in the reign of Queen Anne. It was, in fact, one of the numerous legacies left us by the Commonwealth, but it was not by any means one of the best of those legacies. The Ordinance having reference to this authority originated with Cromwell in the time of the Commonwealth and Protectorate, and was given in Scobell's Collection of Acts of Parliament; and curious to say, that Ordinance stated that the very main object of the establishment of the Post Office, or at least one of its main objects, was to enable the Government to prevent wicked and treasonable practices by opening the letters of parties who were at the necessity of communicating their designs to each other in writing. That Ordinance gave no power to the Secretary of State to use such an authority, but it rather took for granted that as soon as the Post Office was established, the Government would exercise such a power. Many admirable legacies had been left by Cromwell, but certainly that was not one of them.

The Earl of *Radnor* agreed that the power had existed before the Statute of Anne, which limited the practice to the opening of letters by warrant from the Secretary of State for every letter so opened.

The *Lord Chancellor:* I do not think that a special warrant is required for opening every letter.

Lord *Campbell* said he had that morning read in *Scobell* the Ordinance referred to by his noble Friend, but he did not put the same interpretation upon it. It was passed in 1656, and one of the principal causes assigned in the preamble for establishing the Post Office was to put down treason, and detect and put an end to treasonable correspondence. When the Act recognised the authority of the Secretary of State to issue his warrant, authorising the opening of a letter in which it was suspected treasonable correspondence was contained, he doubted whether it was contemplated by the Act of Parliament that letters should be opened secretly, and afterwards resealed and sent to the person to whom they were addressed, as if no such examination of them had taken place—as if they had never been inspected. He doubted whether such a system of espionage as that had ever been contemplated by the framers of the Act. He was rather of opinion that the intention was, that in a case of suspected treasonable correspondence, the Secretary of State might open a letter containing such correspondence *suo periculo*, and bring it forward against any person so concerned in any treasonable plot. The statesmen who flourished at that period were men who, with great faults, combined very great virtues, and this country was indebted to them for great improvements in its institutions; and he very much doubted that they ever contemplated the practice which was afterwards adopted. Indeed, it would appear, that the object of the Act of Anne was to prevent a practice which was calculated to be very pernicious and dishonourable to the country. The words in the Act 9 of Anne, c. 10, s. 40, were very distinct, and would undoubtedly go to prevent the exercise of such a general warrant as would authorise the opening of all letters addressed to any individual; for it recited that "whereas many abuses may be committed by wilfully opening, delaying, or detaining letters, to the great discouragement of trade and commerce, and correspondence," and it went on to make, not a misdemeanor but subject to penalties, the opening, destroying or detaining any letter in a post-office: then came this exception, "unless by an express warrant in writing, under the hand of one of the Principal Secretaries of State, for every such opening, detention, or delay"; *toties quoties*, there must be a warrant for opening every letter. It was quite clear that it was not intended by this Act to grant such an unconstitutional power as the issue of general warrants, for it required an express warrant for each letter. No one could throw the blame upon the present Government for following the form of warrant which they found had been before adopted. However, under the Act of Anne, an express warrant was required, and the noble Earl, who was not then in his place (the Earl of Tankerville), and who had the other night stated that he had seen general warrants for opening letters, had seen warrants which were not justified by the words of that Act.

The *Lord Chancellor* did not concur with his noble and learned Friend in his views and construction of the Act. Undoubtedly they could not open letters without an express warrant, but he did not believe that an express warrant was required for every letter which was opened, but that a warrant directed to the Postmaster to open the letters of A B within a certain period of time would be, in the sense of the Act, an "express warrant for every such opening." It was quite evident that if that were not the case, any power to issue a warrant for the detection of treasonable correspondence would be rendered altogether nugatory in effect. It struck him as a little singular that his noble and learned Friend should object so strongly that one warrant would not be sufficient to justify the opening of several letters, insisting that there must be a specific warrant for the opening of each letter, when the Act of Victoria was passed under the inspection of his noble and learned Friend himself, when Attorney-General, and yet had not those very words, on which his own construction now depended. But this was not all—in preparing this Act, his noble and learned Friend had introduced an alteration, omitting the very words on the meaning of which he now commented. He did not believe that the power was created by the original ordinance of Cromwell. He believed that the ordinance of Cromwell rather recognised an assumed power in the Secretary of State to issue the warrants. The ordinance did not grant any power to the Secretary of State to issue the warrant, but it assumed that such a power existed in the Secretary of State, and that he could use it. The Act of Anne in like manner gave no power to the Secretary of State, but assumed the power to exist in the same manner as the former Act. Assuming, then, that the power existed in the Secretary of State to issue those warrants to open the letters of persons suspected, could it be said that the power could be practically useful if there were a special warrant required for opening every letter? He would not go at present into full details as, in consequence of the Motion of the noble Earl (Earl Radnor), there would be a future occasion on which they might go at greater length into the Acts of Parliament and the ordinance of

Cromwell. He should now, however, again say, that the power of the Secretary of State to issue these warrants to open the letters of persons suspected of mischievous designs against the State, was assumed by the Act, but not granted.

Lord *Campbell* wished to explain. He did not complain of the law as it now stood, but of the manner in which it had been acted upon. He was complaining of the issuing of general warrants.

Lord *Brougham* said, that the Acts contained in Scobell's collection did not grant the power, but they assumed that the common law power existed in the Secretary of State to issue the warrant. With respect to the re-sealing of the letters and sending them forward, he could not concur in thinking that it was the greatest evil. If they were opened and read, and their contents copied, and they were afterwards sent to their destination, it was so much the better, for the real grievance was, not sending the letters on, but opening them.

Lord *Denman* said, that the ordinance in Scobel recited the great convenience to trade and commerce of sending letters through the Post Office, and the advantage of a power to prevent, through that agency, treasonable designs against the Commonwealth of England; but if by implication it may be thought to allow this authority, it did not say one word about Foreign Powers. The first Act, constituting a public Post Office, was passed after the Restoration, the 12th of Charles II., and there was not in that one word about opening letters, or the means afforded of detecting conspiracies, or the Secretary of State's warrant. The 9th of Anne did not create, but it recognised the power, at the same time, however, distinctly requiring that there should be a warrant for every such opening. Language which certainly appeared to him to found a strong argument that every particular letter should be delivered safe, unless it were directed to be opened by an express warrant from the Secretary of State. If it did not mean that, if a special and express warrant were not necessary to authorise every such opening, then the warrant of the Secretary of State might require the Postmaster to single out all the letters directed to any particular individual during a year, or seven years, or during his entire tenure of office. If the later Act was more loosely worded, still this consequence appeared so monstrous as to condemn the construction which would admit it. On the whole matter he could not doubt that, now that the subject was before the House of Lords, or rather before the Cabinet, they would perceive it to be not a question of antiquarian investigation, or of the history of Acts and Ordinances, or even of their true verbal interpretation, but rather a question what ought to be the law and practice at the present moment as regarded all the great states of the world, and particularly as regarded the people of England. He was satisfied that the noble Duke himself—if it were not from reluctance to giving up a Colleague, placed under a serious imputation would have felt the propriety of bringing down a measure modifying or defining the absolute power which now seemed to exist. That power, however, was not conferred by an Act of Parliament; it was assumed; it was taken for granted, and was supposed to have arisen from that state necessity which had set aside the wholesome law of the land in other particulars, which had made the *habeas corpus* Act so essential for the personal liberty of the subject, and which was brought into question in another form, when general warrants were supposed to be sanctioned by law, as well as practice. But no sooner were those warrants brought before the judges than they one and all condemned them, and showed by clear reasoning to be as illegal, as they were inconsistent with the spirit of the Constitution. Amongst these judges were Lords Mansfield and Camden, the latter of whom admitted the practice, but observed, *malus usus abolendus*; and all the judges declared that the power was one which ought never to have been practiced, and was of no force when submitted to the proper tribunal. This assumed power in regard to the opening of letters was the assumption of that state necessity, and of which, in fact, it was at the present moment the only relic.

The *Lord Chancellor* said, that as his noble and learned Friend (Lord Campbell) had commented on the first Act, he wished he would read the Clause in his own Act —the existing law.

Lord *Campbell* said, that those words were by way of proviso, instead of exception, and he thought if they came judicially before his noble and learned Friend (Lord Denman, who had, by the declaration he had just made, rendered himself more dear to the people of England, if that were possible), that he would be of opinion that they were exactly the same. The 1st of Victoria, c. 36, after making it a misdemeanour to open, detain, or delay a post letter, went on by way of proviso to say—

> "That nothing herein contained shall extend to the opening, or detaining, or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the same, or shall have refused or neglected to pay the postage thereof; nor to the opening, or detaining, or delaying of a post letter in obedience to an express warrant in writing under the hand, in Great Britain, of one of the principal Secretaries of State, and in Ireland under the hand and seal of the Lord Lieutenant of Ireland."

This he took to mean precisely the same thing as the language of the Statute of Anne, namely, that there should be an express warrant for every letter.

Lord *Brougham* said, that nothing would make his noble and learned Friend who had just sat down more dear to him than his being kind enough to answer him this question. How was it possible for the Secretary of State, who did not know what letters Mr. Mazzini or any other given individual might receive to-morrow morning, to make out a warrant for any one of those letters? If he was to make out a warrant for each letter how was he to know the number of them? and if he was to describe each letter, he must know the postmark, the kind, shape, or something whereby to describe it. Nothing but the construction of his noble and learned Friend on the Woolsack could be the rational or sensible construction of the existing law. The construction put on it by his noble and learned Friend (Lord Campbell) was rank nonsense. If there must be an individual warrant for each individual letter, how could Sir J. Graham know anything about the letter, so as to be able to point it out?

The *Lord Chancellor* said that the only way in which it was possible that it could be done was, that the Secretary of State should go to the Post Office and put his finger on a particular letter, and then issue his warrant for opening it.

Lord *Denman* said that would not be necessary, for under a system of espionage the spy could write to the Secretary of State and say that such a particular letter might be expected to reach Portsmouth on a certain day, and in a particular handwriting. There were, in fact, various ways in which it might be done. Perhaps the Secretary of State might not find the express warrant as convenient as a general warrant, but it would answer his purpose to a certain extent. With respect to the Act which was carried into effect when his noble and learned Friend was in office, he could only remark that neither his noble Friend nor himself could be expected to make an Act all wise; but if that Act were difficult to be carried into execution, perhaps so much the better. Indeed, he was not sure whether the Secretary of State who exercised that power, might not under the circumstance of the several Acts of Parliament on the subject, find himself in a difficult situation. Considering the circumstances of the case, he thought it was imperative on the Government to introduce some measure which would place the subject on some safe and intelligible principle.

Lord *Brougham* agreed that they were not bound to make sense of every insensible Act of Parliament; but for the last 150 years the same form of expression had been used and acted on by all Governments, from Sir R. Walpole to Mr. Fox. He must say that the way pointed out by his noble and learned Friend behind him was, with great respect, one of the most impossible that could be thought of. He assumed that there must be a spy who knew there were letters coming, and who knew the handwriting of the party writing them, and by whose description of the letter the Secretary of State was to find it on a particular day. That would reduce the Act of Parliament to utter insignificance. The power had been exercised for years on the opposite construction, on the practical construction put upon it by his noble and learned Friend on the Woolsack, namely, that a general warrant for all openings justified each individual opening.

The *Lord Chancellor* said, that the statute of Anne referred to the "opening of any letter or letters except by an express warrant," plainly signifying that the warrant embraced the plural as well as the singular number of letters. [*Cries of* "Read."] The noble Lord then read the oath prescribed (in the 9th Anne, chap. 10, sec. 41) to be taken by the Postmaster and other officers:—

> "I, A B, do swear, that I will not wittingly, willingly, or knowingly open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained or delayed, any letter or letters, packet or packets, which shall come into my hands, power or custody, by reason of my employment in or relating to the Post Office; except by the consent of the person or persons to whom the same is or shall be di-

rected, or by an express warrant in writing under the hand of one of the principal Secretaries of State for that purpose."

This, he conceived, showed that the warrant was intended to apply to "letters" as well as to a single "letter." [A noble Lord observed that that was an enacting clause.] But were they not to take all the clauses of an Act together for the purpose of finding out its meaning? The word in the statute of Anne, upon which his noble and learned Friend now relied, had been omitted purposely and designedly, not by a Tory, but a Whig Government, from the Consolidating Act.

Lord *Campbell* had before declared that the Act had been introduced when he was Attorney General, and he was responsible for the words of it. As to what had fallen from his noble and learned Friend of the impossibility of defining beforehand what letters should be opened, there were sufficient instances in history to the contrary, showing, that where the information to justify opening any letter at all exists, it may very well point out the particular letter which is the object of suspicion, so that on its arrival it may be stopped and examined by a special warrant, specially indicating the special letter. Indeed when the Ordinance referred to was passed, it was said that Cromwell had received information in this way, that on a certain day a certain letter from the King to the Queen would arrive in London, at the sign of the Blue Boar, in the saddle of a particularly indicated messenger. The messenger was arrested on his arrival at the Blue Boar; the saddle was ripped up, and there was the letter, wherein the writer, among other things, intimated that Cromwell, instead of a blue ribband, at which he had aimed, ought to have a halter.

The *Lord Chancellor* called attention to the particular Clause in the 9th of Anne, c. 10, s. 40, which enacted that

> "No person or persons shall presume wittingly, willingly or knowingly, to open, detain, or delay, or cause, procure, permit, or suffer to be opened, detained, or delayed, any letter or letters, packet or packets, after the same is or shall be delivered into the General or other Post Office, or into the hands of any person or persons employed for the receiving or carrying post letters, and before delivery to the persons to whom they are directed, or for their use, except by an express warrant in writing under the hand of one of the principal Secretaries of State."

[*Cries of* "Go on."] The noble Lord continued to read—

> "For every such opening, detaining, or delaying."

Everybody knew these words were in the Act; but the whole question turned upon the question of "opening, detaining, or delaying any letter or letters except by an express warrant."

The Marquess of *Clanricarde* would submit to their Lordships, that the very terms of the Clause just read by the noble and learned Lord on the Woolsack made it clear that, for "every such opening" there must be a special and particular warrant, and that therefore the idea of one warrant applying to a man's whole correspondence was altogether incorrect. One thing was, at all events, clear, that after what had taken place, the matter could not be allowed to stop here. Doctrines had been propounded which no right-minded Englishman could submit to have received in this country. It was said that it was impossible for the Secretary of State to describe beforehand what letters should be opened, and that therefore, as a matter of common sense, and absolute necessity, the whole of a man's correspondence must be opened. Now, on what ground was a Secretary of State to issue a warrant? It must be on information—on sound, clear information—otherwise the Secretary of State would be committing an act of despotic tyranny, to suit his own caprice and pleasure, and for some other even more unworthy motive; if such information were furnished, it could hardly be a matter of much difficulty to ascertain to what particular correspondence the attention of the Government ought to be directed. But it would seem, according to the new doctrine, that no information was necessary. That was part of the question against the Government, because it was stated in a petition before their Lordships' House that a gentleman's letters had been opened in the Post Office unjustifiably. That accusation was brought against a great public department, and it would be necessary for the Government to let their Lordships know upon what grounds that accusation rested. On the other hand, if it could be denied on authority that this gentleman's letters were opened, then might they reject the prayer of the petition; but if not, having received that petition, and seeing that the statement in it was publicly made, he conceived it to be utterly impossible that they could allow the matter to rest until they were informed of the nature of the warrant under which the Post Office acted, and whether the

Secretary of State had had good reasons for issuing such warrant. Issuing a warrant to open letters in the Post Office, without the fullest justification, was an act of despotic power which the country would never submit to.

Lord *Brougham* must really say a word as to the gross misapprehension which the noble Lord had formed, and the gross misstatement, founded on that gross misapprehension, which he had given, of what had fallen from him. The noble Marquess imputed to him the doctrine that the Secretary of State had a right to open letters at the Post Office, without any information on which to proceed. Now, this was a most extraordinary misconception on the part of the noble Marquess. There was, he (Lord Brougham) was sure, no other Member of the House who had understood what had fallen from him in that way. What he had said was this. General information, every body knew the Secretary of State must have; he must suspect somebody ere he opens his letters, and he can only do this on information; he is not to open letters because he has had a dream that somebody deserves to be suspected and watched; he must have information that the party is engaged in unlawful transactions—transactions injurious to the tranquillity of the realm at home, or, he would add, for he had some regard for other countries as well as for his own, to the tranquillity of realms abroad; nor did he say that any foreign Minister was to be at liberty to come to the Secretary and say, "I suspect A. B., and therefore you must open his letters for me." God forbid! But, then, if a British Minister has information that a particular person is engaged in dangerous and unlawful practices, which require that he should be watched, the Minister has a right to issue his warrant to the Post Office to detain and examine the letters of that person; as to the proposition that he is to specify what particular letter is to be opened, that was a mere absurdity—it was requiring what in 999 cases out of a 1,000 was a physical impossibility. Mr. Fox was certainly a man filled with the highest devotion to the constitutional liberties of the subject—to the freedom of the people in every respect; yet he did not think it necessary to issue separate warrants. He had seen and carefully read the document ordering the Postmaster General to detain and open all the letters to the foreign Ministers, and all letters from the foreign Ministers, without further authority or specification whatever, and also any other letters to or from any other individuals, "of which letters I shall give you notice." That was in 1782. Did not Mr. Fox mean by that he had a right to open by general warrant, not only the letters of all the foreign Ministers living under the peculiar and special protection of the laws of this country, but the letters of any other person? Was the notice to give a description of the particular letter? The impossibility was manifest and glaring to the eye. To issue a warrant for each letter would imply that he knew what letter each individual was to write, what letter each individual was to receive, and also the number of letters; and if two letters were sent on the same day, there must be a warrant for each. The Postmaster General might say, "I have got a warrant from the Secretary of State to open a letter, but here are two, which am I to open?" Then he must have recourse to chance. But the Act of Parliament did not say it was to be done by lot. He was really ashamed of troubling their Lordships any longer with arguing on so untenable a proposition. The provision was that no letter or letters should be opened without a warrant for every such opening. What was the last antecedent? The opening of such letter or letters. The word letters in the plural included each letter. Suppose a warrant to be issued for the apprehension of three persons, naming them, would not that be a warrant for the taking of each? [The *Lord Chancellor*: It was an express warrant.] It was, and a warrant to take the letters of A. B. would be a warrant to take each of the letters of A. B. That was the logical construction.

The Earl of *Radnor* said, that the question in this case was not whether one or two letters had been opened, but whether the gentleman now complaining, had not been seriously injured and wronged by having all his correspondence regularly opened for a period of several months; and this was the question on which it was his (the Earl of Radnor's) intention to move for a Committee to inquire into the whole matter. The most extraordinary feature was, the five Members of the Government seated in a row on opposite benches and the noble and learned Lord on the Woolsack were all of them profoundly ignorant about the matter. Here had this transaction been the subject of general remark out of doors for a full fortnight past, and in the same period been discussed three or four times in the House of Commons; and twice in their

Lordships' House, yet had not the Cabinet Ministers in that House considered it their duty to inquire of their brother Cabinet Minister, the Secretary of State for the Home Department, whether or no it was the case that Mr. Mazzini, a gentleman highly respected, esteemed, and beloved by all who knew him, had been subjected to the odious proceedings complained of. In order to sift the matter thoroughly, he should, on Thursday next, move that a secret Committee be appointed, to whom the whole affair should be referred.

The Duke of *Wellington* said, that as the noble Earl proposed to bring forward the question regularly on Thursday, it might more fitly be further debated then. All he could say was, what he had said before, that the warrant issued by his right hon. Friend was in strict conformity with all the precedents, and that he had done no more than had been done by all the Secretaries of State from the reign of Queen Anne to the present time.

Lord *Kinnaird* asked whether there was any Secret Board at the Post Office to whom these letters when detained were referred?

The Duke of *Wellington* said, that it could not be supposed that he knew anything about the administration of the Post Office.

The subject dropped.

NATIONAL GRANARIES.] The Earl of *Winchilsea*, after presenting some petitions in favour of protection to agriculture, said he would throw himself upon the indulgence of their Lordships for a short time, while he endeavoured to show, pursuant to the notice he had given, the expediency and sound policy of establishing National Granaries in this country, under the authority and control of the Government. In doing so, he should studiously refrain from offering any observations on the Corn Laws; because, however widely the three parties—those who advocated the present system of a sliding-scale, those who were for a fixed duty, and those who were opposed to all protection to agriculture, differed upon the question of the Corn Laws, he believed they must all agree that the establishment of National Granaries would be a great public benefit. Their Lordships were doubtless aware that the Corn Trade of this country was in the hands of a very small body of wealthy individuals; he believed he might fairly state that there was a larger amount of floating capital engaged in that branch of trade than in any other. It was a notorious fact, that from about the middle of March, when the corn was out of the hands of the grower, up to the harvest, the wheat market was under the sole control of this body, who, by a combination, and by arrangements amongst themselves, could effect a great rise in the price of wheat between those two periods, gaining thereby not only considerable profit individually, but also obtaining still further advantages by immediately employing their capital in refreshing their granaries with foreign corn at a low rate of duty. If their Lordships could secure a fixed price of corn, a fixed low price, they would secure an immense benefit to the country; and he thought the establishment of National Granaries would go far to secure that benefit. It was not good policy, but the worst policy of all, for the Government of any country, more particularly of this country, where such an artificial state of things existed, to have an enormous population, engaged in great and extensive manufactures throughout the land, dependant for their supply of food, in any degree, or for however short a period, upon a few individuals. He had often reflected with horror upon the consequences of a total failure of the harvest. What man was there either in that House or out of it, who would deny that such an event was possible? who could say whether an approaching harvest would be productive or whether we might not be wholly deprived of so great a blessing! For the produce of the land was from the Lord, and the seasons were entirely in His hands! And might not the same event happen with respect to other countries to which we looked for supplies? The results of such a state of things in this country were too frightful to contemplate. The plan which he would suggest—for he could only throw it out as a suggestion, for he had not the power, however strong might be his inclination, to propose it in form—that could only be effectually done by Her Majesty's Government—the plan which he submitted to the consideration of their Lordships and of the country, and which he had entertained in his own mind for the last five or six years, but had never before publicly propounded, because of the diffidence he felt with regard to his own judgment and power—the plan was this, to establish National Granaries, five or six in different parts of the country, say Manchester, Hull, Liverpool, Bristol, and London, to contain from 300,000 to 500,000 quarters of wheat each, which would amount to about 3,000,000 in the aggregate. The Legislature could then say to the agricultural interest of England—"If you can supply the market with wheat at such a price, say from 50*s.* to 55*s.* per quarter, you may do so." He would propose then, that the Government should have the power to open granaries, and pour into the market that quantity of wheat which would be sufficient to keep it at that price at which it was always desirous the country should have it. He could assure their Lordships that in making this suggestion he was not influenced by any interested feeling, but by two reasons — first, that it was the sound policy of every state to give encouragement to home industry; and, secondly, that upon an average of years the country would produce wheat cheaper than if it was dependent upon foreign countries for supplies. In 1835 the very best brown wheat was sold in England at 35s. He did not say that those granaries should be solely supplied with home-grown corn, but that the Government should take the opportunity of obtaining wheat at as cheap a rate as they could get it. But it might be said that if we had seven successive good harvests, where would be the use of hoarding it up? —it would not keep so long. The fact was, that wheat when kept long would ferment and form a crust on the outer surface of the heap which preserved it, and by good management it could be kept for fifty years, and be sound and good at the end. A friend of his had told him that he had seen heaps of corn in that condition. The object he contemplated was, to give to the labouring classes of this country wheat at the lowest possible price at which it could be grown in this country. Our manufacturing population was increasing every year, and he was anxious to see them so supplied with wheat. But not the manufacturing population alone would benefit by the plan. No interest suffered so much from fluctuations in the price of wheat as the agricultural interest. That arose from the influx of corn in the beginning of the year, when the agriculturists were compelled to send it to market, not getting, however, those high prices which the speculators did from March down to the following harvest again, during which interval they used all their wisdom, ingenuity, and talent in withholding and managing the supply. The plan would be a great benefit to agriculture, then, because it would establish fixity of price, and it would affect wages in an equal degree, and therefore be a benefit to the labouring population. The price of labour depended much upon the price of wheat, and varied along with it. In 1835, for instance, when the price of wheat was so low, wages sank from 16*s.* to 10*s.* or 9*s.*, but the men did not complain. Another great advantage which would arise would be the putting an end to the present agitation upon the Corn Laws, which was so ruinous to all interests, that agitation which arrayed one great interest against another, to their mutual detriment; that agitation which represented the gentry and aristocracy of this country as wishing to live for themselves alone without caring anything for the mass of the people, and which, therefore, must produce bad effects upon the minds of the population. The plan would also increase the means of employment, and cause the land to be made more productive. He left these observations for the consideration of their Lordships, and hoped that some day he should see the plan he advocated, carried into effect.

Lord *Monteagle* wished to say a few words with respect to the very important speech which they had just heard from the noble Earl. In many of the statements made by the noble Earl, he agreed, and above all, as to the inconveniences and evils which resulted to the whole community from the present state of the law, and he especially agreed that these evils were more especially experienced by the agriculturists. The noble Earl said, that the present mode of carrying on the corn-trade, might be productive of great evil to the agriculturists. He (Lord Monteagle) agreed in this, and also that the corn-trade was thrown into comparatively few hands. The noble Earl said, these persons were generally great capitalists; no doubt they sometimes were so, but at other times operations of the utmost importance in the corn-market, were carried on by persons who had no capital of their own, but traded on speculation with capital of other persons. The noble Earl, on the part of the public, complained of the fluctuations which took place in the price of corn, and also said, that the agriculturists suffered more than any other class from this. He also stated that this great rise of price chiefly took place between the month of March and the ensuing harvest, and a rise of price at that time was of no advantage to the produce of corn in the country. But why was it that the corn-trade had fallen into the hands of so few persons? There was no monopoly in connection with it; there was nothing in the trade to prevent any person embarking in it. The reason, however, of this was, that by our legislation in connection with it, the trade in corn had become of such an extremely speculative character, that it drove from it men who were of sober minds, and who did not wish to embark in such uncertain matters, and therefore the trade was left in the hands of persons of a different character. The truth was, that the present state of the law, held out an inducement to get a rise of price by withholding corn from the market, when the public most required it. The state of the land also at the periods which he alluded to, not only led to this fall in prices, but it also led to such a diminution of the duty, that immense quantities of corn were taken out of bond at the lowest duty, and thrown upon the markets, thus producing the greatest fluctuations in prices. If, however, the authority of the noble Earl was to be taken—and it was notorious that he was a great practical agriculturist—it appeared that in the average number of years in this country wheat could be produced as cheap or cheaper than in other countries. Now, if this was the case, it took away the great argument which was urged by the majority of those who were opposed to a repeal of the Corn Laws. He now came to the remedy which was suggested by the noble Earl. He thought that the noble Earl had acted logically in making his proposition, for he did not think that any improvement could take place as long as the House supported such an extravagant system as the sliding-scale. Under a free state of trade, or with a small fixed duty for revenue on corn, no such evils could be produced as were alluded to by the noble Earl. He should therefore say, that although the noble Earl was logically right, he would be practically wrong. The noble Earl must be aware that, not only in ancient but in modern times, the erection of public granaries, to guard against seasons of scarcity had been much discussed. This question had been most ably handled by one of the most distinguished political writers that this or any other country ever produced: he alluded to Mr. Burke, who, in his pamphlet on Scarcity, which it was generally understood had been prepared at the request of Mr. Pitt, distinctly pointed out many of the evils which would result from such establishments, and showed that so far from tending to obviate or prevent the evils complained of, that they would tend to increase and aggravate them. The following was the passage to which he referred :—

" A report has gone abroad, that intentions are entertained of erecting public granaries. I hear that such a measure has been proposed—that is, for Government to set up a granary in every market town at the expense of the State, in order to extinguish the dealer, and to subject the farmer to the consumer, by securing to the latter corn at a certain and steady price. If such a scheme be adopted, I should not like to answer for the safety of the granary, of the agents, or of the town itself. The foul storm of popular phrenzy, would fall on that granary. In an economical light I must observe, that the construction of such granaries would be an expense beyond all calculation. The keeping them up would be at an immense charge. The management and attendance would require an army of agents, store-keepers, clerks, and servants. The capital required would be enormous. The waste would be a dreadful drawback on the whole dealing. The moment the Government appears in the market, all the principles of market will be subverted. I do not know whether the farmers will suffer from it as long as there is a tolerable market of competition; but I am sure that in the first place a trading Government will speedily become bankrupt, and the consumer in the end will suffer."

And subsequently he said :—

" There is no way of preventing this evil (fluctuations produced by errors of legislation) which goes to the destruction of all our agriculture, and of that part of our internal commerce which touches our agriculture the most nearly, as well as the safety, and very being of our Government, but successfully to resist the very first idea, speculative or practical, that it is within the competence of Government, or even of the rich, as rich, to supply to the poor those necessaries which it has pleased the Divine Providence to withhold from them for a while. We, the people, ought to be made sensible that it is not in breaking the laws of commerce, which are the laws of nature, and consequently the laws of God, that we are to place our hope for softening the divine displeasure to remove any calamity under which we suffer, or which hangs over us."

He conceived that the statement of the noble Earl was the strongest possible argument against the sliding-scale.

The Duke of *Richmond* said, that he did not agree with his noble Friend in thinking that any advantages would arise from the establishment of public granaries. One speech this week, in the other House, had done more good than would follow from the erection of a hundred granaries —for backed as that speech was by such an increasing majority, it would tend, more than any thing else, to produce something like certainty with respect to agricultural pursuits, and thus ultimately produce cheapness and certainty of price. The noble Lord had alluded to the fluctuations in the corn-trade. He denied that the present law produced these great fluctuations in price, for that was attributable to quite a different cause, namely, the seasons. He denied that there was the prospect of a bad harvest this year. He thought that his noble Friend who spoke last was led away merely by feelings of enthusiasm, when he spoke so strongly of the alleged evils of the sliding-scale, the best way to prevent a scarcity, was to continue to get majorities of 204 against alterations in the Corn Laws in another place.

The Earl of *Winchilsea* agreed with his noble Friend who spoke last, as to the importance of producing something like a feeling of certainty in the minds of those engaged in agricultural pursuits. For his own part, he would rather see no duty at all than a fixed duty. He confessed that he was surprised at hearing such observations as he had quoted from Mr. Burke, respecting public granaries. With the opinions of that eminent man he could not agree, although he entertained the highest respect for him.

Subject dropped.

CHARITABLE DONATIONS AND BEQUESTS (IRELAND) BILL.] House in Committee.

Clauses 1 to 10 agreed to.

On Clause 11 being read,

Lord *Hatherton* expressed his regret that the Government had not adopted the straightforward course of admitting the claims of the Roman Catholic clergy, and had not acted upon the principle put forward in the Bill which had been introduced into the other House of Parliament by Mr. O'Connell with respect to the management of the trusts—namely, making the clergymen of the Roman Catholic Church Corporations sole for the management of the funds left for the advancement of their religion by charitable persons. It was, however, his intention not to do more than to record his individual opinion on the point, as he would not press his objection to a division. He had a second objection to the Clause, which was, that the archbishops and bishops of the Roman Catholic Church were excluded by it from the benefits which the Act was intended to confer. The charity was to be held in trust for the Roman Catholic minister, for the time being, of any district in Ireland for which the charity had been given, and he could not conceive if it were considered politic that such endowments should be encouraged, why the Act was not to extend to the archbishops and bishops as well as to the inferior ministers of the Roman Catholic Church. The Roman Catholic Clergy were already recognized by the law as parochial ministers. The Act of 1781, which admitted them to the exercise of their functions, and repealed the penal statutes regarding them, directed that they should register their names and places of abode, and the names of their parishes if they had any. It therefore recognized them as parochial ministers, and he was not aware of the existence of any Act which treated them in a different light. Without trespassing farther on the attention of their Lordships, he would beg leave to propose as an amendment that the two words "Archbishops and Bishops" be inserted instead of the words "Roman Catholic ministers," in the Clause.

Lord *Beaumont* said, he hoped the noble Lord who had just sat down would not think him guilty of taking any ungracious part towards him when he declared that he entirely disagreed with him in the amendment which he had proposed. He was aware that the Roman Catholic Clergy of Ireland wished the thing to be done in the way which the noble Lord suggested, and that Mr. O'Connell had but spoken their wishes in the Bill which had been introduced by him in the other House of Parliament. But he (Lord Beaumont) had since then had communications on the subject with parties that he considered higher authority on the matter than even the Catholic Clergy of Ireland themselves; and he could say distinctly that, with the present relations between this country and Rome, it was not the desire of any higher parties that anything should be done tending to establish the Catholic Clergy of Ireland as corporations, having power of controlling funds left for religious purposes and of regulating them as corporations, without any control over them either by state or by the foreign power by which they were influenced—namely, the Papal See. He hoped that in all measures like the present some controlling body, such as the Commissioners proposed to be appointed under that act, would be nominated, having the power of controlling the charities, so as to enable parties to put funds in trust for the support of the Catholic religion who might be disposed to do so. He had felt it to be his duty to make these remarks, because he had undertaken and promised that if the measure of Mr. O'Connell should have reached that House he would oppose it; and he therefore trusted the noble Lord who had preceded him would not think he had taken an ungracious part in opposing his amendment, and in expressing his opinion that charities left for the support of the Roman Catholic religion should be held by Commissioners in trust for the purposes for which they had been bequeathed.

Lord *Monteagle* said, there were two propositions involved in the objections that had been taken to the Bill by his noble Friend behind him (Lord Hatherton). One was that the provisions of the Bill ought not to be confined to the clergy, but should be extended to the higher dignitaries in the Roman Catholic Church—to the archbishops and bishops. In that he entirely and decidedly agreed with his noble Friend; but with respect to the second objection, he had the misfortune to differ from his noble Friend in the view which he had taken. Whether they were dealing with the clergy of their own (the Established) church or with the clergy of the Roman Catholic Church, he considered that there would be an essential convenience in placing charitable trusts under the care of trustees. No doubt, the beneficial use of such trust-property would be for the parochial minister; but still there would be an advantage in having trustees, which would become apparent when they considered the various changes that took place among the Roman Catholic priesthood, and that they were governed by laws of which they (the House of Lords) knew nothing. Priests might, for instance, be suspended or put under Ecclesiastical censure, and yet have still the enjoyment of the charities left under their control. He agreed with his noble Friend that difficulties were got into by the Government not having boldly faced the real practical remedy, and he was convinced that the measure, from the manner in which it had been brought forward, would lead to many great inconveniences, and act in some instances diametrically opposite to the intentions of the Government. For example, they were all aware that in the Roman Catholic Church there were regular as well as secular clergy, and though the Government evidently intended in bringing forward the present measure that the endowments to which it referred should be for the secular or parochial clergy of the country, still they would, in consequence of their fears to do that full justice that they ought to act upon, open the door for endowments not merely to the parish priests but to every friar and to every establishment of friars that might be found in the country. It might be that those friars, of whom he wished to speak with great respect, were not bound by the same local ties that were attached to the secular clergy, and yet the Act would prove equally beneficial to them, unless there might be some subsequent Clauses intended to exclude them. In endeavouring to avoid a verbal danger the Government were injuring their own objects and exposing themselves to a practical danger which it would be their obvious wish to avoid.

Lord *Wharncliffe* said, he thought the words of the Act "Roman Catholic ministers for such district duly appointed thereto according to the law and discipline of the Roman Catholic Church," were sufficiently explicit, as applying to the parish priest of the district. With regard to the other point referred to by his noble Friend opposite, he entirely concurred with him, that the benefit of the Act ought to be extended to the Archbishops and Bishops of the Roman Catholic Church; and he accordingly intended to introduce an interpretation Clause which he had then beside him, and which was in substance to the following effect:—

"And be it enacted that the words 'Roman Catholic minister' shall include all persons in holy orders, having authority within the district, and that the word 'district' shall mean any Ecclesiastical division recognised as such according to the laws and constitution of the Roman Catholic Church."

The words " Roman Catholic Minister" would thus include the Archbishops and Bishops, and the word " district" would apply to dioceses as well as to parishes.

The Marquess of *Clanricarde* said, since the Bill had been last before the House he had looked over it with great attention, and was convinced that the greatest possible difficulties would exist in the way of carrying its objects into practical effect. He did not, for instance, understand from the Bill who were the persons that were to judge or decide who was the " minister of the district according to the laws, discipline, and institutions of the Roman Catholic Church," or, in other words, who was the Bishop of a diocese or the priest of a parish. He did not see how the trustees were to decide that point under the Bill; for their Lordships were aware that there were to be found in Ireland such persons as degraded priests, who remained sometimes in possession of their parish contumaciously and in opposition to the will of their Bishop. In the Bill which had been brought in by Mr. O'Connell, it was provided that the persons to decide on such points were to be the Roman Catholic visitors of the College of Maynooth; and without saying whether that was the most advisable and best course that could have been taken, this much he would state—that it gave a clear and *boná fide* definition of the persons to whom parties were to apply to know who were *de facto* the Roman Catholic Bishops or clergymen of particular districts. He thought as the Bill then stood very few persons would be found to take advantage of it for the purpose of endowing charities for the support of the Roman Catholic religion. It was perfectly impossible that the Board, as proposed to be constituted by that Bill, would be a proper Board of Trustees for such charities. The persons whom they named as the standing members of the Board, were, by the provisions of the Act of 1829, a Protestant Board, and yet they were selected in preference to the fair and obvious course of making the Bishops and clergy corporations sole as proposed by Mr. O'Connell's Bill. Their Lordships ought to recollect the purposes for which charities in the Catholic Church would be bequeathed. In almost every case an essential condition in the endowment of a church would be that masses should be offered up for the repose of the soul of the granter, and it would be difficult for Protestant trustees to ascertain how that condition of duty was fulfilled. As long as the Government persevered in the child's play of refusing to acknowledge formally the existence of a body whom they were constantly obliged virtually to admit occupied the position of the clergy of the great majority of the Irish people, those difficulties to which he alluded would be found to continue. The noble Lord near him who opposed the Amendment, told them that he had higher authority on a question concerning the Roman Catholic Church in Ireland than even the Catholic clergy of Ireland themselves. His noble Friend must evidently mean that his authority proceeds from Rome, but how ridiculous was it for them to be acting on such vague statements as that, while the proper remedy so clearly presented itself before them.

Lord *Wharncliffe* said, he had not by any means intended to convey that the Commissioners were to be entirely Protestants. There were only two of them named, and they were the Lord Chancellor of Ireland and the Master of the Rolls in Ireland, but the other Commissioners would be persons in whom the Roman Catholic population of Ireland would have confidence.

The *Lord Chancellor* said, the trustees would not be able to exercise any material discretion on the charity, and therefore the objection against some of them being Protestants could not be of much weight.

The Marquess of *Clanricarde* said, his argument was this: Suppose that a person should have an endowment to a parish priest to have mass said for the benefit of his soul at particular times, and that the legacy came under the control of those trustees, would they not be bound to see that the priest did enjoy the property, and might they not also have a right to ascertain whether the conditions on which it had been bequeathed were fulfilled.

Lord *Campbell* said, his noble Friend the Lord Chancellor, ought to have recollected when giving his support to the Bill, that the practice in his own Court was invariably that the trustees of all religious charities should be of the same religious opinions as the persons for whose benefit the trust fund had been endowed.

Clause agreed to.

The other clauses of the Bill agreed to without opposition.

House resumed.

Parishes (Scotland) Bill.] Lord *Wharncliffe* moved the second reading of the Parishes of Scotland Bill.

Lord *Campbell* was sorry to be obliged to detain their Lordships at that hour of the evening; but, having presented a petition against the Bill, it was his duty to urge some objections which appeared to him to be of a very serious nature. No one could doubt the object of the Bill to be very laudable, namely, the promotion of religion in Scotland; but the question was, whether the means taken were expedient and just. The main enactments in the Bill to which he wished to draw attention were those which related to the division of parishes and the endowments of the new parishes. He should have thought at this time there could be no pressing necessity for multiplying parishes in Scotland. In almost every populous parish in Scotland there was now a new church called the free church. One of the objections to the proposed division was the mode in which it would operate on titheowners, because three-fourths of the heritors had it in their power to appropriate any unappropriated tithes to that division of the parish, and there might not be among them a single person who was a tithe owner. It ought to be made a general burthen, and not fall on any class of proprietors. But there was also another objection which arose out of the 10th section, and he begged particularly to call the attention of the noble and learned Lord on the Woolsack to it, because he would be bound to say that such a provision was never introduced into any Bill before.

The *Lord Chancellor:* You need not call my attention to it. It has been already called to it.

Lord *Campbell*: It has passed through the House of Commons with the objectionable clause—

The *Lord Chancellor*: I can't help that.

Lord *Campbell* proceeded to say, that in the section referred to, the Clause he complained of enabled any trustee or tutor of a minor to give away property of which he was trustee for the site of a church or a manse or glebe, so that it did not exceed four acres, without any compensation whatever. It seemed to him, that this was an interference with the rights of property which could not be justified. A similar power was also given to tenants in tail, and this was obviously an extension of the injustice. Upon these grounds he must object to the Clause.

The Earl of *Minto* could not say, that the Bill was altogether uncalled for, considering the present state of the Church of Scotland, nor would he oppose it; but there were some provisions to which he pointed out objections, and he also thought it highly desirable, that the clergy should be required to know Gaelic.

The Earl of *Dunmore* said, that there were only four clergymen for 16,000 people in the Islands' districts with which he was connected, and not 100 of them could speak English.

The Earl of *Haddington* supported the Bill, as important to the Church of Scotland. He did not see how any better provision could be made for the religious worship of the Highlanders in the lowland districts than that provided by the Bill. He believed that if the Bill passed, it would heal a great many sores.

The Duke of *Richmond* approved of that part of the Bill which looked at the size of districts as well as population as the criterion for further church accommodation; but he did not see how the funds were to be provided without interfering with private rights.

The Duke of *Buccleugh* said, that the Bill gave a greater facility to the payment of teinds, which were subject to the full extent fixed in the time of Charles I., to be applied to the supply of the spiritual wants of the parish, and as they had been purchased subject to liability to this full application, there was no interference with the rights of private property.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Friday, June 28, 1844.

Minutes.] New Writ.—For the City of Limerick, *v.* Sir David Roche, Bart., acc. Chiltern Hundreds.

Bills. *Public.*—2°· Pretection of Purchasers (Ireland).

Reported.—Joint-Stock Companies Registration and Regulation; Joint-Stock Companies Remedies at Law and in Equity; Bank of England Charter; Education; Charitable Loan Societies (Ireland).

3°· and passed:—Dissenters Chapels.

Private.—2°· Ayr Bridge (No. 2).

Reported.—Pendleton, etc. Roads.

3° and passed :—Swansea Improvement.

PETITIONS PRESENTED. By many hon. Members (23 Petitions), against Dissenters Chapels Bill, and 6 in favour of same.—By Mr. Cholmondeley, from Arustley, against Union of St. Asaph and Bangor.—By several hon. Members (18), against Repeal of the Corn Laws.—By Mr. Ferrand, from Manchester, for a Tax on Steam Saw Mills.—By Captain Pechell, from James Apted, for Relief.—By Mr. Bramston, from Rochford, and Colonel Rushbrooke, from West Suffolk, against Bank of England Charter Bill.—By Mr. T. Duncombe, from Bethnal Green, for Mitigation of Sentence on Thomas Cooper.—By Mr. Spry, from Bodmin, in favour of County Courts Bill, and Colonel Verner, from Market Hill, for Extension of same to Ireland.—By Mr. Roebuck, from Rev. D. Dobree, for Inquiry (Guernsey).—By several hon. Members (4), for Alteration of Poor Law.—By Mr. T. Duncombe (6), complaining of Opening Letters at the Post Office.—By Mr. Vesey, from Maryboro', for Alteration of Public Works (Ireland) Act.—By Captain Pechell, from Brighton Railway Company, against Railways Bill.—By Sir D. Norreys, from Cork, for Inquiry into Spirit Trade (Ireland).

JOINT-STOCK BANKS.] Mr. *Gladstone* moved, that the Joint-stock Companies Registration and Regulation Bill be committed *pro formâ*, as there were some amendments of an important character, which he wished to introduce into the Bill. One of those amendments was a modification of the office of registrar, with respect to the use of the joint seal of the Bank. As the Bill stood, it proposed that it should be the duty of the registrar to satisfy himself of the legality of any instrument before he affixed the seal of the company to it. This was a large discretion, and almost amounted to the establishment of a double government of the concern. It was found that the objects which it was desirable to attain, could be accomplished with a relaxation of this provision. There was, likewise, an important qualification proposed of the duties of auditors. As the Bill stood, it would be the duty of one of the auditors to make himself cognizant of every contract previous to its execution. Now, the duties of an auditor were properly corrective and retrospective, and he ought not to be made a party to contracts beforehand, as was thus proposed. It was to meet the objections to which these provisions were liable, that he wished to introduce the amendments he had referred to.

Sir *T. Wilde* suggested for the consideration of the right hon. Gentleman, whether it would not be desirable to make such an alteration in the existing law as to give to a court summary power to pronounce judgment against a second member of a company, where the judgment already delivered against a first was ineffectual, owing to insolvency.

The Bill passed through Committee. Report received.

ZOLLVEREIN—DUTY ON IRON.] Dr. *Bowring* begged leave to put the question, of which he had given notice, to the right hon. Gentleman at the head of Her Majesty's Government, respecting the renewed intention of the Zollverein to place a higher duty upon British iron, and particularly on pig iron. He had seen that communications had taken place between the different deputies and the States they represented; and that the concurrence of those States had been obtained to discuss this question. He did not understand that any peremptory instructions had been given to the delegates to insist on the rise of duty, but they were to assemble in September next, when this topic would be again introduced. The question he wished to ask was, whether Her Majesty's Government had taken any measures on the subject, or made any representations to prevent such a disastrous result from taking place?

Sir *Robert Peel* said, that Her Majesty's Government had not received any direct official information with regard to the steps to which the hon. Gentleman referred; but private communications had been received, which led them to believe, that there was a strong desire in Germany to raise the duty on iron. Urgent representations had been made by Her Majesty's Government, appealing to their sense of their own interest; and it was stated to Her Majesty's Government, that there might be an increase of duty for a certain limited period. It would be difficult to answer what might be the result of the assembly which would take place, for they had every reason to think that there would be a strong opposition to the measure.

Dr. *Bowring* said, that the desire of the Zollverein to increase the duty on pig iron had been greatly strengthened by the low prices prevailing in this country at the time. Since then a considerable advance had taken place, and the arguments used in favour of an increase of duty must have lost a good deal of their weight, because, from that circumstance there was not so much danger of competition from this country.

COLONEL STODART AND CAPTAIN CONOLLY — DR. WOOLF'S MISSION.] Mr. *B. Cochrane* wished to know from the right hon. Gentleman whether he had received any direct account from Dr. Woolf respecting the fate of Colonel Stodart and Captain Conolly; and he also wished to know whether Her Majesty's Government had given their support to Dr. Woolf on his mission to Bokhara, and whether he went into that country with the sanction of Her Majesty's Government.

Sir *R. Peel* said, that Dr. Woolf did not undertake his journey to Bokhara with the direct sanction of Her Majesty's Government, because their means of working on the fears of the governor of that country were very ineffectual; but they told Dr. Woolf that, if he undertook the journey on his own responsibility, he should receive every assistance that Her Majesty's Government could afford; and they had an acknowledgment from Dr. Woolf, thanking Her Majesty's Government for the assistance which he had received in his journey from British agents. Communications had been received from Dr. Woolf, and Colonel Sheil, Her Majesty's representative at Teheran. The letter of Colonel Sheil was dated so recently as the 6th of May; and the letter of Dr. Woolf was dated the 12th of April, at which time he was within three days of Bokhara. Colonel Sheil's letter of the 6th of May, contained the information of a native of Teheran, named Jacoob, who was released from captivity at Khohan, near Khiva, by Captain Conolly, whom he accompanied to Bokhara; and when the two officers were thrown into prison, he shared their fate, being actually imprisoned with them. He remained upwards of a year at Bokhara, and witnessed the execution of a Greek servant of Captain Conolly, named Yousouf. During the time that he remained at Bokhara, no public execution took place, or, at least, he had not heard of any, and he could not have failed, had it taken place. This Jacoob had a strong hope that Colonel Stodart was still alive; but he was not so sanguine as to Captain Conolly, because he was looked upon as a spy. It was right to say that Colonel Sheil did not participate in the hope expressed by this person; and it was remarkable, that two years had now elapsed without the slightest communication from Colonel Stodart, although previously he had always found means of communicating with British authorities. He could not help fearing, that the murder of both these officers was likely to have taken place; but still the most recent accounts confirmed the impression that no public execution had taken place. It was highly probable that the next accounts would give the impressions of Dr. Woolf on the spot; when they arrived, he should be happy to communicate them to the House; but, in the latest account, he was within three days of Bokhara. He feared it was his duty to discourage the expectation that they would contain assurances of the safety of the two officers.

Mr. *Cochrane* said, it would be satisfactory to know how far these officers, at the time when they were imprisoned at Bokhara, were employed in the service of the Government.

Sir *R. Peel* said, that Colonel Stodart had been authorised to repair to Bokhara, and was directly employed by the Government to make communications at Bokhara. Captain Conolly had been sent by the Indian government to make communications at Khiva and Khohan. He had no express mission to Bokhara, but an intimation was made to Colonel Stodart, that Captain Conolly was at Khiva, and if he thought he could be useful to him, he had authority to send for him to Khiva. Captain Conolly had not any direct instructions to proceed to Bokhara. He had authority to go to Khiva; but, acting on his own discretion, and doing that which he believed to be for the service of his country, he went there when Colonel Stodart sent for him. Colonel Stodart had direct official instructions, and Captain Conolly did, from a sense of duty, repair to Bokhara.*

IRISH REGISTRATION BILL.] Viscount *Howick* wished to know, from the right hon. Baronet, what were his intentions with respect to the Irish Registration Bill.

Sir *R. Peel* replied, that when this Bill had been brought in, it was intended to make it applicable to the then next registration; but in the present state of public business, and seeing that it would not be brought into operation at the time that had been intended, he had no hesitation in saying, that there was no probability of passing it in the present year. He did not propose to make any further progress with it than the second reading.

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* Accounts were received in London on July 27, that both the gallant officers who were the subject of Mr. Cochrane's inquiry, were publicly executed at Bokhara, in the month of June, 1842. Subsequent accounts stated, that the enterprising and humane Dr. Woolf, who went to ascertain their fate, or rescue them if living, was detained by the Khan of Bokhara.

PUBLIC BUSINESS.] [A short discussion provoked by Mr. B. Cochrane inquiring when the Government would proceed with the Poor Law Bill, and complaining of the delay, as to the progress of several measures through the House took place. It terminated by Sir *J. Graham* saying, that his right hon. Friend at the head of the Government on an early day next week would state those measures which it was the intention of Government to press, and the order in which it was intended to take them. He would also state the names of those which it might be expedient to abandon. Owing to the great length of the debates we find it necessary to omit this discussion, referring the reader who wishes to trace the progress of Bills through Parliament to the minutes which precedes each day's debate.]

DISSENTERS CHAPELS BILL.] On the Motion for reading of the Order of the Day for the third reading of the Dissenters Chapels Bill,

Mr. *Colquhoun*: There was one remarkable circumstance respecting this Bill, and that was that while all the weight of authority and argument within the House was in its favour, out of the House the feeling of the country was quite in an opposite direction. This was to be gathered from the great number of Petitions that had been presented. The great body of Dissenters in England had no hostility to the Unitarians, they had fought for a long time beside them, more particularly during the past year in the struggle on the education question. He therefore repudiated, on the part of the Church and the great body of Dissenters, the charge of hostility against the Unitarians. As far as the present Bill went to place the Unitarians on a footing with the great body of Dissenters he had no objection to the Bill, but he did not wish it to go further. If the right hon. Baronet at the head of the Government had issued a commission to examine into the grievances complained of, and the circumstances of the several chapels, he should cordially have approved of such a step; but the present Bill went greatly beyond the alleged grievances. The Dissenters and the Church admitted that there were grievances which might call for legislation. They admitted that, where chapels originally Trinitarian had been rebuilt by Unitarians, or where widows received annuities, that then, although it might be strictly legal, it would not be equitable to interfere with such arrangements. But the remedy for such grievances would have been found by a commission such as that of which he had spoken. The Bill as it now stood would touch a great many cases where interference was not necessary, and in many cases its provisions would be extremely unjust. Now, as to the necessity for this Bill, his hon. and learned Friend had stated at the commencement of the discussion, that but for this Bill there might be litigation in the cases of three hundred chapels, but his answer to that was, that it was impossible. In the great majority of the chapels there were no endowments, and thus the expense of a law-suit would be more than the whole value of the chapel. He thus disposed of that class of cases at once. He admitted, that in cases where endowments were attached to chapels litigation might ensue, but it should be remembered that the hon. and learned Attorney General had stated, in answer to the hon. Member for the West Riding that cases similar to that of Lady Hewley's charity would not come within the scope of the Bill. Now, the same evidence was procurable as to the intention of the founders of chapels, as of the intentions in Lady Hewley's case, and he asked then how in reason or justice, how one case could be excluded and the other preserved? He would call attention to the case of a parish in Halifax There a chapel was founded in the midd of the last century, not by deed or instrument, but the general evidence wen tha it was founded for the service of the Church of England. In 1833 a majority of the congregation became independents, and wished to change the form of worship, but the minority insisted that it should continue as it was, at its original foundation. The majority acted as honest men, and left the chapel in the hands of the minority. The case of the chapel of Wolverhampton formed a strong contrast to the case. In 1781 the majority of the congregation wished for Trinitarian worship, but the trustees held a deed, under which they excluded the majority and the minister. The minister and the majority were poor, they had no means of applying to the Courts, and had, therefore, to submit to the force employed against them. Now, under this Bill, the case in which the people acted honestly would be unprotected, while the other, in which the majority were ejected by force, the persons using the force would be confirmed in their possession. A great deal had been said of the case of the Presbyterians of Ireland, and it had been quoted as a reason for the passing this Bill. Now he thought that case showed that the Bill would inflict a great amount of wrong. The Synod of Antrim seceded from that of Ulster in the last century, and were protected from litigation by the difficulty of getting up evidence respecting the chapels to satisfy a Court of Justice. The secession of 1829 would not be protected by the Bill, which required a possession of twenty-five years. Of the five hundred Presbyterian chapels in Ireland, not one would be protected by the Bill—there was not one in which litigation might not arise, because there was not one in which it might not be alleged that within twenty-five years Trinitarian doctrines according to the tenets of the Synod of Ulster, had been preached. How was it possible to prove that the same class of doctrines had been preached continuously for twenty-five years in any chapel. He would mention a case in which this Bill would inflict a great hardship. A gentleman in Scotland had expended 30,000*l.* in building chapels, his intention being to go to India and there spend a great portion of his life. Now, he asked, supposing this gentleman to return after an absence of twenty-five or thirty years, would it not be hard to have been excluded by the prescription mentioned in the Bill, from insisting that the doctrines in furtherance of which he had founded the chapels should be preached there. The statute of limitations was wisely applied in cases where private interest was concerned, but the case of foundations for public purposes was different. These must be confided to trustees, who might be unfaithful, and therefore no time should run against them. That was the law at present, but a deviation was made, for the first time, in the present Bill. Last year, when the right hon. Member for Devonport proposed a Bill for the regulation of charitable trusts, he was met by the assertion that they were sufficiently protected by the courts of law. He (Mr. Colquhoun) thought the courts of law could meet the present case and remedy all tangible grievances, and he should therefore move, as an Amendment, that the Bill be read a third time that day six months.

Sir *R. Inglis*, in seconding the Motion, said, that although the Bill had been somewhat altered since he had last opposed it, it was still the same in all its objectionable features. To the first Clause he did not object; but to the second, which went to establish the prescriptive right, he had a decided objection. The third Clause was not only at variance with the law as it stood, but also with the Bill as it appeared on its first introduction. He had not treated the question as a religious question, nor did he mean to do so now, but would merely state that, under all the circumstances, he felt bound to second the Amendment.

Lord *Eliot* said, that before the question was finally disposed of, he wished to say a few words as regarded the Irish Presbyterians. He could assure the House that when first made acquainted with the case of the non-subscribing Presbyterians, he had no prepossessions in their favour. He was, therefore, an unbiassed witness. He had had various communications both with non-subscribing Presbyterians, and with a deputation of the Synod of Ulster—that deputation headed by gentlemen for whose character, opinions, and talents, he had the highest respect. He had been anxious to effect an amicable settlement of differences; but, unfortunately, his endeavours altogether failed, and he was bound to say, after giving the most calm and attentive consideration to the subject, that legislation was actually necessary to prevent the infliction of a grievous wrong on the non-subscribing Presbyterians of Ireland. He felt that an attempt to revive an obsolete law which, during its existence, had never been put in force in this country—certainly not in Ireland—ought to be resisted. It was very clear that in most cases to which reference had been made, that if it had not been for the previous state of the law between the passing of the Act of

Uniformity in Ireland and the repeal of that Act, it would be impossible for the Synod of Ulster to establish their case against the non-subscribing Presbyterians. At the time of the repeal of the Act of Uniformity there was a sort of general agreement in both Houses of Parliament, and the only trace of a discussion which he was able to find was in a few words which had dropped from the Archbishop of Canterbury and the Bishop of Chester, who said that they rose not with the least intention of opposing the measure, but simply to say that it was not called for by any attempt to impose penalties, or to impede the worship of the Unitarians, or to withhold from them that universal toleration which was the peculiar glory of the Church of England. Had they been aware that the Act would be understood as it now, by some parties, appeared to be, they would not have said this. He thought it necessary that Parliament should now give the protection which was really intended to be given by the repeal of the Act of Conformity. In a great majority of cases, the Unitarians dissenting had built houses, chapels, &c., and created the value of the property, and it was impossible to distinguish between such cases and cases where the foundation was said to be for purely Trinitarian purposes. No private interests were affected by this Bill. The Unitarians were not even members of these congregations; and, if they succeeded in dispossessing those who now administered the funds, it was impossible to say on whom they would devolve. He believed by leaving the law in its present state they would only leave a door open to litigation, and he, therefore, felt no hesitation in recommending the Bill to the House. The Bill did not in the least affect any case in which specific mention was made of the trusts or objects for which property was set apart for religious purposes. His hon. Friend said it was not expedient, that because a wrong became general it should be considered as a right. But he did not think there was a wrong. The question was not that of a part of a congregation separating from another part on a question of opinion, but whether where the congregation was unanimous and the founder had not specified his intentions, lapse of time should not be taken as the evidence of those intentions. Looking to all the circumstances of the case, he had come to the conclusion that in agreeing to this Bill the House would simply perform an act of justice.

Sir *T. Wilde* said, that this Bill had occupied a considerable portion of his attention, and he admitted that he had originally entertained an opinion adverse to it. At an early stage of its progress, he received a deputation from members of his constituency, consisting of Wesleyan Methodists and other bodies of Dissenters, who required him to give the Bill his opposition. At that time his own opinion was adverse to the Bill, though he differed from the Gentlemen who composed the deputation in many points. Subsequently to that occasion he conversed with many persons, and amongst whom were several to whose judgment he paid deference, and who urged very strong opinions in favour of the Bill. Eventually he (Sir T. Wilde), upon mature consideration of the subject, became convinced that the Bill was a good one, and so far from being one of injustice, would have the effect to prevent the confiscation of property and the misapprehension of the intentions of the founders of religious trusts. This Bill could not extend, as seemed to be apprehended, to afford protection to trustees who should abstract the property of which they were trustees, and apply it to their own uses; or in any other way contrary to the purposes of the trust; but to afford relief and protection, after lapse of time, against vexatious and expensive inquiries as to who were the precise parties for whom he ought to consider himself trustee. The Bill would avoid much expensive litigation—so expensive, that in the one case of Lady Hewley's charities, which had been several years in progress, it was said that as much as 30,000*l.* had been spent. He believed, however, that this was an exaggeration, though the costs of this suit had certainly exceeded 10,000*l.*; and yet so far was the case from being settled, that they were even upon the threshold of a fresh inquiry. It was a well-known maxim of the English law, that a title became stronger as it became older; and it was so upon this principle, that in lapse of time the evidence of title might become lost or impaired. Now, the present Bill did nothing more than apply this principle to the case of trust properties for religious endowments, the specific intentions of which it might be difficult, perhaps impossible, to prove, in order to prevent much ruinous and useless litigation. The

Crown and the Church had given up their claim of prescription, that no time should run against them; and why should not the same principle be applied to parties and individuals, particularly when the settlement of their claims, by the very nature of the case, must be involved in hopeless obscurity and difficulty? In Lady Hewley's case it had been found that neither the Church nor the Unitarians were entitled to the property; but it was not ascertained who were. The consequence was, that fresh litigation was about to be commenced by a new set of claimants. The case of Lady Hewley, therefore, had settled nothing to guide them in the decision of similar cases; in every case the same long expensive inquiries would have to be gone into to ascertain what were the intentions of the founders. He thought, therefore, that Her Majesty's Government had done quite right in stepping forward to pass this measure, in order to prevent the wholesale destruction which threatened property of this description—the costs of litigation, which must often far exceed the whole value of the fund. He did not think that any injustice would be done to founders by fixing a limitation of twenty-five years within which suits to enquire into the original trusts could be instituted, because the natural consequence of this enactment would be, that founders would take precaution to define the purposes to which they intended their endowment to be applied, and would thus prevent the possibility of any misapplication of the funds. Before he sat down, there was a point affecting his (Sir T. Wilde's) conduct in regard to this measure, upon which he felt bound to say a few words. An hon. Gentleman had stated the other day, and that without any previous communication with him, that certain persons had been prejudiced in their opposition to this Bill on its second reading, in consequence of his not having fulfilled the expectations which he had held out of taking their cause in hand; and that it was only very suddenly, previous to the day fixed for the second reading, that these parties became aware of his intention not to carry out their views. Now, he begged to say that this charge was wholly unfounded. The hon. Gentleman he alluded to said that he had undertaken to lead the Opposition against this Bill in this House. He never did anything of the kind. The facts were simply these:—He met the parties, discussed the question with them, when, as he stated before, his opinion was adverse to the Bill; but that opinion, in consequence of subsequent conversation and inquiry with other parties, he saw reason to change. The hon. Member who brought this charge said that he (Sir T. Wilde) had the papers of the parties, containing the grounds and materials of their opposition, in his hands. Now, the fact was, he had received no other papers but such as were generally distributed amongst Members of Parliament and others, against this Bill. He had asked the right hon. Baronet (Sir R. Peel), to delay the second reading, in order to give time to those parties who were opposed to the Bill to be heard, with which request the right hon. Baronet had, in the most obliging and courteous manner, complied. From that moment he had no communication whatever with those gentlemen, until, to his great surprise, he saw it announced, that he was to take an active part in opposition to the measure. It was true he had intimated that his first impressions were adverse to the Bill; but as to his having been asked by anybody out of the House to take the lead, or any active part against the measure, or that he had received any other papers than those which were commonly distributed, there was not the least foundation for the statement. This was the state of the case down to the day previous to the second reading, when he received in court a note from the committee in Palace-yard, to which he returned an answer within half an hour stating that his impressions with regard to the measure were altered, and that he proposed to state in his place in the House the reasons which had induced that alteration. So far from his having undertaken to oppose the second reading, he had never understood that any objection was to be made to the principle of the measure, but merely to certain of its details: in fact, the hon. Baronet (Sir R. Inglis) himself, assented to one clause of the Bill. He must repeat, he could not understand how his intentions with respect to the measure should have been so far mistaken, inasmuch as long previous to the second reading, he communicated to every person who spoke to him on the subject, that he did intend to support the Bill, believing it, on full consideration, to be a useful and a good measure.

Mr. *Shaw* assured the hon and learned

Gentleman (Sir T. Wilde) that he had been misinformed as to the observations which he had thought it right to make with respect to the course taken by the hon. and learned Gentleman, in reference to the second reading of the Bill. His right hon. Friend (Sir R. Peel) and the noble Lord (Lord J. Russell), from the other side of the House, had both remarked that, in the debate on the second reading, the balance of speaking and argument had been largely in favour of the Bill—to which he replied that the opposition to the Bill had laboured under great disadvantage from the loss of the hon. and learned Gentleman's support, which had been fully expected on the part of the opponents of the measure up to the night before the second reading—that he (Sir T. Wilde) had to that period given them advice, been perfectly prepared with their facts, and led them to count upon his powerful advocacy of their claims in that House—and that then, and not till then, he suddenly informed them that he had changed his opinion and would, as he afterwards did, vote for the second reading of the Bill. He never cast any doubt upon the sincerity of the hon. and learned Gentleman's change of mind; but he had said, as every one must feel, that it had caused a serious loss to that side of the question, which the hon. and learned Gentleman had been expected to support, and afterwards, in fact, opposed. Before he stated· which he would do in a few words — the reasons why he had voted against the second, and then would vote against the third reading of the Bill, he begged the House to grant a few minute's attention to an explanation of some observations which he had made the last night that question was before the House, respecting a rev. gentleman of great eminence connected with the Remonstrant Synod of Ulster—he meant the Rev. Dr. Montgomery. He had been informed by some Gentlemen then in town, and forming part of the deputation from the General Synod of Ulster, that Dr. Montgomery and other ministers of the Remonstrant Synod had, on their original ordination, subscribed a Trinitarian confession of faith, and upon their authority, he (Mr. Shaw) made that statement to the House. He had not done so for the purpose of throwing the least censure on those ministers who had so changed their opinions, but merely with the view of pointing out the liability there was to such a change of opinion, and the necessity of taking precaution against it. He had not named Dr. Montgomery; but, as he certainly had meant to include him amongst the number to whom he referred, he felt it due to Dr. Montgomery to read to the House an extract from a letter he (Mr. Shaw) had received from that gentleman on the subject. The part which bore upon that point was as follows:—

"I was licensed by one non-subscribing Presbytery, and ordained by another; and, consequently, I was never called upon to subscribe, nor would I have subscribed, being then, as now, an Arian. Almost the whole of my brethren were similarly circumstanced."

He would be very sorry in any degree to misrepresent the rev. gentleman's sentiments. He had on a former occasion mentioned to the House his authority for making the statement, and was then happy in having the opportunity of reading to the House the rev. gentleman's own explanation. It remained for him to state to the House—and he would do it in the briefest possible manner — the grounds upon which he should vote for the amendment of his hon. Friend (Mr. Colquhoun). He, with every respect for the House, verily believed, that one in ten of those who had supported the Bill by their votes were not aware of its real principle. He was persuaded that the great majority of them thought that the Bill only placed the Unitarian Dissenters upon the same footing as the other dissenting communities of the country. That he denied. The first Clause of the Bill did that; it gave the full benefit of the Act of Toleration to the Unitarian body and their possessions, and placed them exactly in the same condition in respect of every property they enjoyed by gift, endowment, or of their own creation, as all other classes of religionists. To that Clause few objected; and he would willingly have supported a Bill containing that Clause, and also securing to the Unitarians all additions they might have made to property originally Trinitarian—that is what were technically termed Unitarian accretions—and that those should be wholly reserved to the Unitarians, but the objectionable principle of the Bill—the stress of it, as it had been emphatically called by the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay)—lay in the second Clause: that was indisputably and avowedly for continuing and confirming in one class of Dissenters property which they were wrongfully in possession of, and which the law of the land declared rightfully belonged to another. He admitted that it was a principle, and a just one known to our law, that long possession should quiet title—and to a fair extension of that principle to the present Bill—to the few and excepted cases where there was an obscurity in the original foundation on the one hand, and long possession on the other—he would have consented—but against the second Clause in its present form he protested as a gross misapplication of that principle. It, indeed, allowed the declarations in deeds of endowment to prevail against the short usage it established; but in the vast number of cases where there were no such deeds, and frequently no endowments by founders, it shut out documentary evidence as clear as any deeds could contain, such as that upon which he had in the Committee dwelt, in the instance of that great body of Irish Presbyterians comprised in the Synod of Ulster—where the ministers of every congregation had, in fact, subscribed a Trinitarian confession of faith; the proof of which was preserved in the authentic records of the body, and the Bill permitted the chance and doubtful usage of the short period of twenty-five years, which might occur twice over in the life of a single minister, to prevail against the most positive and incontrovertible written testimony. This he pronounced absolute injustice towards the great mass of the dissenting religious communities of the United Kingdom. Instead of quieting possession, and settling the minds of those congregations, he thought it would render them unquiet and unsettle their religious feelings, and excite jealousies and suspicion in the minds of the congregations against their ministers. So far from stopping litigation, it would force it upon all prudent dissenting bodies which had not deeds of trust, lest otherwise the lapse of time should operate against them. Moreover, without attributing any such object to the Government who introduced the Bill or without meaning offence to any class of Dissenters he must be permitted to observe, that the obvious tendency of the measure would be to encourage and favour one small body of the Dissenters—namely the Unitarians, who alone desired the Bill; while the great, overwhelming majority of the Dissenting community of all parts of the kingdom warmly opposed it as injurious to their just rights of property, and offensive to their conscientious principles in religion.

The House divided on the question that the word "now" stand part of the question, Ayes 201; Noes 81: Majority 120.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Capt.
Ainsworth, P.
Aldam, W.
Arbuthnott, hon. H.
Archbold, R.
Arkwright, G.
Bagot, hon. W.
Baird, W.
Bannerman, A.
Barclay, D.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Bernal, R.
Boldero, H. G.
Bowes, J.
Bowles, Adm.
Bramston, T. W.
Brotherton, J.
Browne, hon. W.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Buller, E.
Byng, G.
Campbell, J. H.
Christie, W. D.
Clerk, Sir G.
Clive, hon. R. H.
Cobden, R.
Cockburn, rt. hn. Sir G.
Colborne, hn. W. N. R.
Colebrooke, Sir T. E.
Collett, J.
Collins, W.
Courtenay, Lord
Craig, W. G.
Curteis, H. B.
Dalrymple, Capt.
Damer, hon. Col.
Denison, W. J.
Denison, E. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Dodd, G.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Duncombe, hon. A. E.
Easthope, Sir J.
Egerton, W. T.
Egerton, Lord F.
Eliot, Lord
Ellice, right hon. E.
Entwisle, W.
Escott, B.
Esmonde, Sir T.
Ewart, W.
Fielden, J.
Ferguson, Col.
Fitzroy, Lord C.
Flower, Sir J.
Forman, T. S.
Forster, M.
Gardner, J. D.
Gaskell, J. Milnes
Gibson, T. M.
Gisborne, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Gore, hon. R.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Hanmer, Sir J.
Harcourt, G. G.
Hawes, B.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Hollond, R.
Hope, hon. C.
Hope, G. W.
Horsman, E.
Hoskins, K.
Howard, hn. E. G. G.
Howard, P. H.
Howard, hon. Hen.
Hutt, W.
Ingestre, Visct.
James, W.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Langston, J. H.
Langton, W. G.

Lascelles, hon. W. S.
Leader, J. T.
Lennox, Lord A.
Liddell, hon. H. T.
Lindsay, H. H.
Loch, J.
Macaulay, rt. hn. T. B.
Mackenzie, W. F.
Mackinnon, W. A.
Macnamara, M.
McNeill, D.
Mainwaring, T.
Marshall, W.
Marsland, H.
Martin, C. W.
Mildmay, H. St. J.
Milnes, R. M.
Mitchell, T. A.
Mordaunt, Sir J.
Morris, D.
Muntz, G. F.
Murphy, F. S.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
O'Connor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Paget, Lord W.
Paget, Lord A.
Paget Col.
Palmerston, Visct.
Pattison, J.
Peel, rt. hon. Sir R.
Peel, J.
Pendarves, E. W. W.
Pennant, hon. Col.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Ponsonby, hn. C. F.
Powell, Col.
Power, J.
Pringle, A.
Pulsford, R.
Pusey. P.

Rawdon, Col.
Repton, G. W. J.
Roebuck, J. A.
Ross, D. R.
Russell, Lord J.
Sheil, rt. hn. R. L.
Shelburne, Earl of
Shirley, E. J.
Smith, B.
Smith, J. A.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Stock, Mr. Serj.
Strickland, Sir G.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M
Tancred, H. W.
Thesiger, Sir F.
Thornely, T.
Towneley, J.
Trevor, hon. G. R.
Tufnell, H.
Vane, Lord H.
Vernon, G. H.
Villiers, hon. C.
Vivian, J. H.
Vivian, hon. Capt.
Wakley, T.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Wemyss, Capt.
White, H.
Whitmore, T. C.
Wilde, Sir T.
Wilshere, W.
Wodehouse, E.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Adderley, C. B.
Antrobus, E.
Archdall, Capt. M.
Ashley, Lord
Bagge, W.
Baskerville, T. B. M.
Bateson, T.
Beresford, Major
Blackburne, J. I.
Blackstone, W. S.
Broadley, H.
Brooke, Sir A. B.
Bruges, W. H. L.
Buck, L. W.
Chetwode, Sir J.
Cholmondeley, hn. H.

Clayton, R. R.
Cresswell, B.
Darby, G.
Dashwood, G. H.
Dawnay, hon. W. H.
Dickinson, F. H.
Douglas, Sir H.
Egerton, Sir P.
Etwall, R.
Farnham, E. B.
Fielden, W.
Fellowes, E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Fox, S. L.
Fuller, A. E.

Goring, C.
Granger, T. C.
Gregory, W. H.
Grogan, E.
Hamilton, J. H.
Hardy, J.
Harris, hon. Capt.
Henley, J. W.
Hillsborough, Earl of
Hussey, A.
Hussey, T.
James, Sir W. C.
Jocelyn, Visct.
Jones, Capt.
Kemble, H.
Lawson, A.
Lefroy, A.
Lopes, Sir R.
Lygon, hon. Gen.
McGeachy, F. A.
McTaggart, Sir J.
Manners, Lord C. S.
Masterman, J.
Mundy, E. M.
Newport, Visct.
O'Brien, A. S.

Palmer, R.
Plumptre, J. P.
Polhill, F.
Pollington, Visct
Richards, R.
Rushbrooke, Col.
Russell, J. D. W.
Seal, Sir J. H.
Shaw, rt. hon. F.
Sibthorp, Col.
Smyth, Sir H.
Smollett, A.
Stewart, P. M.
Taylor, E.
Thompson, Ald.
Tollemache, J.
Trollope, Sir J.
Troubridge, Sir E. T
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Wawn, J. T.
Welby, G. E.

TELLERS.
Colquhoun, J. C.
Inglis, Sir R. H.

Bill read a third time, and passed.

BANK CHARTER—THE CURRENCY.] On the Motion of the Chancellor of the Exchequer, House in Committee on the Bank Charter Currency Bill.

On Clause eleven,

Colonel *Sibthorp* considered it of the utmost importance that the accommodation which had been usually extended in agricultural districts, should be continued under this Bill; and he doubted whether, by taking the average circulation for the last three months as the basis, that effect would be produced in many cases.

Sir *Robert Peel* said it was perhaps impossible, in taking an average, to take in every case. In the first instance the average of the last two years had been taken as the maximum of issues; but under that provision it was found that many cases of hardship would arise which it would be necessary to provide against by special clauses. The point was consequently reconsidered; and as it was found that by taking the average on the circulation of the twelve weeks previous to the announcement of the Bill, would give an increased circulation, and conform to the wishes of the joint-stock and country banks, and more especially that it involved less risk of disturbing existing interests, it was thought desirable to institute the twelve weeks for the two years. It was found that the further they went back for the averages, the greater would be the number of special clauses required to prevent cases of hardship.

Mr *P. M. Stewart* proposed the omission of the last paragraph of the Clause before the Committee, which contained certain restrictions as to issues by joint-stock banks, and as to the lawful number of partners. His proposition went to give security to those sources of issue recognized as lawful in the Bill before the Committee.

Sir *Robert Peel* objected to the Amendment, as giving facilities to joint-stock banks to multiply their branches, and swallow up private country banking establishments. He did not wish to meddle with the privileges already enjoyed by joint-stock banks, but he did not wish to allow them to hawk about those privileges for sale in the public market. He, therefore, declined, adopting the suggestion, and hoped that the country bankers would approve of his conduct in doing so.

Mr. *M. Phillips* did not think that joint-stock banks failed in giving security to depositors, and the failures which had taken place among them might frequently be traced to the directors not having early been accustomed to banking business. The tendency of the measure was to teach the mercantile community to look to "coming events," and direct their attention to the fluctuations of foreign exchanges. As such it would be beneficial.

Mr. *P. M. Stewart* said, that those hon. Gentlemen who had made a fortune and retired from business, supported the Government measure cordially, as its tendency was to make money valuable, while those who were still struggling on in commerce, opposed it on account of its restrictive tendencies. He would not press his Amendment either upon that Clause, or that of which he had given notice on the next Clause.

Amendment withdrawn. Clause agreed to.

Bill went through Committee. House resumed. Bill reported.

House adjourned at a quarter to ten o'clock.

HOUSE OF LORDS,

Monday, July 1, 1844.

MINUTES.] BILLS. *Public.*—$2^{a.}$ Sugar Duties.
Private. — $1^{a.}$ Coventry Improvement and Cemetery; Holmfirth and Dunford Road; Merton's Estate.
$2^{a.}$ Wells Harbour and Quay; Delabole and Rock Railway; Newport (Monmouth) Dock; Bowyer's Estate.
Reported.—Hythe Landing Place (Hants.); Liverpool Docks.
$3^{a.}$ and passed: — Archbutt's Divorce; Hitchin's (or Peach's) Estate.

PETITIONS PRESENTED. From Donaghadee, and a great number of other places, against the Dissenters Chapels Bill.—From Tartaragh, and Glasgow, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Huish, and a great number of other places, for Protection to Agriculture. — From Guardians of Devizes Union, against the Poor Law Amendment Act.—From Guardians of Abbeyleix Union, against the Poor Law (Ireland) Bill; and from Guardians of Mountmellick Union, for Inquiry into the Conduct of the Poor Law Commissioners. — From Roman Catholics of Hinckley, in favour of the Roman Catholics Penal Acts Repeal Bill. — From Kircaldy, and 2 other places, for Improving the Condition of Scotch Schoolmasters.—From Warnford, against the Union of St. Asaph and Bangor.—From Royal Institute of Architects (Ireland), for Legalizing the proceedings of Art Unions.—From Wesleyans of Salop, for Suppressing Seduction and Prostitution.—From Hundon, and Wickhambrook, for inflicting the Punishment of Death upon persons Convicted of Arson.

CANVASSING PEERS.] The Duke of *Richmond* said, he wished to call the attention of their Lordships to a matter of considerable importance, of which he conceived it had become necessary to take notice; he alluded to the practice, which had recently been renewed, of canvassing noble Lords on the subject of Private Bills, as he considered that any person who canvassed a Peer was guilty of a gross breach of the privileges of the House. Their Lordships, he thought, ought to declare their determination that if any person was guilty of doing so, he should be liable to the penalties of such breach of privilege.

Lord *Brougham* said, he was exceedingly glad the noble Duke had called attention to this subject. No one knew better than he did of the attempts daily made to infringe upon the wholesome and necessary rule established by their Lordships, a rule not more necessary for the administration of justice in that House, than essential to the character and honour of their Lordships. He received constant applications on the subject of Private Bills, and he had one answer, and only one answer, for the parties, namely, that he was the last person they ought to apply to, as he was the author of the Standing Order which prevented canvassing, and he uniformly, civilly he hoped, but firmly, turned his back upon the persons so applying, as if he were a judge or a juryman who was asked to misdecide a case. He asked their Lordships to pursue the same course, and thus put an end to what was little short of an insult.

The Earl of *Shaftesbury* said, that he and every other noble Lord who had the honour of being a member of the Committee, concurred in thinking that the subject was exceedingly well deserving of attention.

Lord *Campbell* enquired whether it was to be considered a breach of privilege if a circular were sent round stating the case on one side or the other. [*Cries of* "No, no."] Well, but that would not be allowed by a Judge. On the contrary, a Judge would consider it a contempt of court, and would deal with the party offending accordingly.

Lord *Hatherton* said, he protested strongly against any prohibition of two parties, or either of them, sending round a printed statement of their case. He had known several instances of the kind since his noble Friend introduced his measure.

Lord *Brougham* said, what he objected to was the privately waiting and soliciting. As to parties being at liberty to send a printed statement, that was merely enabling noble Lords to obtain information that was necessary for their guidance.

The Earl of *Wicklow* conceived that the sending a printed statement had no bearing upon the case referred to by the noble Duke. He understood the noble Duke's objection to be, not to any thing that was addressed to the Members of that House collectively, but merely to statements made privately to Members of a Committee appointed for a particular purpose. No doubt what the noble Duke said was perfectly correct, but the question was, how it was to be prevented. Was a Member of that House to come forward, and say, "Such a person came to me and endeavoured to lay his case before me." He conceived that their Lordships would not be competent to inflict punishment in such a case; but it was only for the Members of the House to understand that it was an insult to them, and to inform the parties coming to them with statements that it was improper to do so, and the evil would soon be put an end to.

PRIVY COUNCIL APPELLATE JURISDICTION ACT AMENDMENT BILL.] Lord *Brougham*, in moving the Committee said, that from all he had learned with respect to the subject of this Bill since its introduction, he was more desirous than ever that it should pass, as he was thoroughly convinced of its great importance. Indeed, he was so anxious to see it passed into a law that he was willing for the present to give up all those parts of the Bill which were objected to; the appointment of judicial members to the Privy Council being amongst those which he relinquished, than to risk the chance of the Bill not passing this Session. The portion which he intended to retain would, however, effect a very great improvement in the Privy Council, in respect of the law of Patents and of Appeals from the Colonies. They were all of opinion, that nothing required an improvement more than the proceedings affecting the Law of Divorce.

The Bishop of *London* inquired whether the noble and learned Lord meant still to continue those parts of the Bill which related to divorce?

Lord *Brougham*: Yes.

The Bishop of *London* thought, that before the Bill passed the right rev. Bench ought to meet and consider how far they could agree to so important a change in the law as affecting the Church.

Lord *Brougham* said, there had been no difficulty or difference in the Committee, even among the rev. Prelates who were Members, as to the necessity of making some change in the administration of the law relating to divorce. The question was, how the change should be effected.

The *Lord Chancellor* suggested whether the noble and learned Lord would not be hazarding the loss of the Bill by insisting on those Clauses respecting divorce. He had suggested at the commencement of the Session that they should be made the subject of a separate measure.

Lord *Brougham* would take the suggestion of his noble and learned Friend into his most anxious consideration. He would print the Bill in its present shape, and then there would be full time to consider it. He wished also to state with respect to this Bill, what he was sure his noble and learned Friend would bear him out in, that in proposing to withdraw the provision of the Bill which related to the appointment of the three Judges of the Privy Council, he did so without reference to any wish or interest of his own. He did this the more anxiously because the most ridiculous opinion had prevailed elsewhere that he had destined one of those places for himself. His noble and learned Friend on the Woolsack and other noble Lords were aware that the opinion was utterly without foundation.

Bill committed *pro formâ*; amendments made; and ordered to be printed.

SEES OF ST. ASAPH AND BANGOR BILL.] The Earl of *Powis* moved, that the Bill be now read a third time.

Lord *Vivian* said, that he was not present when the Bill went through Committee, when a right rev. Prelate had said that he believed the feelings in North Wales to be almost universally favourable to this measure. He (Lord Vivian) had just returned from North Wales, and he took leave to assure the right rev. Prelate that that was not the case. He could most explicitly state that the feeling in North Wales was not at all unanimous. On the contrary, he thought the great body of the people did not care much whether the sees were left as at present or not; and many of the clergy were indifferent, and some opposed to it. They complained, however, and as he thought most justly, of the diversion of the revenue raised in the diocese to a district so much richer as Manchester. It had been said that a vast number of Petitions had been presented. He had seen something of the way in which they had been got up. The rural deans sent petitions to the clergy, and directed them to go among their followers and get signatures. The clergyman of the parish in which he resided came to him with a petition which had been given him by his rural dean. He (Lord Vivian) told him what he believed the feeling of the people to be, and said, that if he would get up a counter-petition, it would be much more respectably signed. The clergyman did not proceed with his petition, and the consequence was, that there was no petition from that part of the Isle of Anglesea to which he referred. As an illustration of the working of the present system, under which livings were held by Bishops *in commendam,* he would cite the instance of the parish in which he resided. The living returned to the Bishop between 600*l.* and 700*l.* per annum, and two curates performed the duty of four clergyman, at salaries of 120*l.* each; the remainder went to the Bishop. About the commencement of the present year one of those curates died, and up to the present time no successor had been appointed. He thought it much better that their Lordships should adhere to the recommendations of the Commissioners, than give a third reading to this Bill, which would to a great extent interfere with their accomplishment. If the parochial clergy were better paid they would be enabled to perform their duties much more effectually; and if this Bill were carried, one available means for the improvement of their condition would be altogether cut off. He should therefore say "not content" to the Motion of the noble Earl.

The Bishop of *Bangor* said, the noble Lord was entirely mistaken as to the public feeling on this Bill; certainly so far as the clergy were concerned, he did not believe that there were in his diocese two clergymen who were not exceedingly anxious on every ground that this Bill should pass, and that the Act for the union of the two sees should be repealed. This was the common feeling, and the petitions which had been sent up to that House were of the most voluntary nature. The rural dean had no power whatever to get up such petitions. With respect to the living to which the noble Lord had alluded, it was quite true that he had paid only 240*l.* to two curates, but of the remainder, which the noble Lord had said went into his pocket, at least 200*l.* per annum was paid in rates and other burthens. The noble Lord might have been aware that he (the Bishop of Bangor) was no longer rector of that living, having resigned it; and the reason why no clergyman had been presented was, that being a large parish, the Ecclesiastical Commissioners had thought it advisable that it should be divided into two. To this the Archbishop of Canterbury had agreed, and all that was wanted to complete the arrangement was an Order in Council to carry it into effect. Several county meetings had been held in favour of this Bill, and he assured their Lordships that the almost unanimous feeling in the Principality was in its favour.

The Duke of *Wellington* rose to call their Lordships' attention to the state in which this question now stood before the House, and to state the course which he proposed to take in the discussion to-night on the part of Her Majesty's Government. Their Lordships had thought proper to pass the second reading of the Bill by a considerable majority; his noble Friend (Earl Powis) then moved that the Bill be committed to a Committee of the whole House, but had not in Committee proposed any alterations in the Bill, which would have the effect of carrying into execution the measures which formed part of the Act which the Bill now before the House proposed in part to repeal. He had been called on, when the question of the committal of the Bill was under consideration, to state whether or not he was authorized to give Her Majesty's consent to its discussion; he answered that he was not so authorized; and he was not so authorized on this last stage of the Bill. He considered that a very material point for their Lordships' consideration. It was very true, that the Act of which this Bill would repeal a material Clause—the foundation of all the measures directed and authorized by that enactment—did not in its progress through that and the other House of Parliament receive the consent of Her Majesty to its discussion, and the reason was sufficiently obvious. That Act conferred certain powers on Her Majesty; it deprived Her Majesty of no prerogative, it did not touch the prerogative in any degree; on the contrary, it enabled Her Majesty in Council to do [that which Her Majesty in Council could not do previous to the passing of that Bill. For that reason, that measure when under discussion in that House, according to the practice of Parliament, did not require that Her Majesty's consent should be given to the discussion thereof. But this was a Bill of a totally different nature. The tenor of this Bill repealed part of that Act, which was the foundation of all the measures to be carried into execution by Her Majesty's Order in Council; therefore, this Bill did touch the prerogative in a most material degree, and on a most important point—with regard to the regulation and the revenues of the Church; and he begged their Lordships, particularly the right rev. Bench, to consider well the expediency of passing a Bill to the discussion of which the consent of the Crown had not been given, which was to affect the prerogative of the Crown, and especially on a Church question, and a matter relating to the revenues of the Church. It might be, and he had no doubt it was the opinion of many of that right rev. Bench, very expedient that this Bill should be passed, and that these two dioceses should remain disunited; but he was sure of this—if their Lordships reflected they would see that it was much more important to the interests of religion, as connected with the interests of the Church, that the Establishment should not lose the advantage which it now enjoyed, of being protected by such a regulation as that to which he had referred—namely, that a Bill regarding the revenues of the Church, connected as they were with the prerogative of the Crown, could not be discussed without the previous consent of the Crown. He begged to remind their Lordships, and particularly that right rev. Bench, how much more important it was that they should not establish a precedent for the passing of such a Bill through Parliament without the previous consent of the Crown to its discussion, than that they should pass the Bill to prevent the union of these two dioceses. Having called their Lordships' attention to the question of form, he would now draw their attention to the matter of substance involved in the present question. There were some very important arrangements depending on that portion of the Act of Parliament to which it was the object of this Bill to repeal. First, there was the establishment of the diocese of Manchester; next, there was a measure of a very important nature, for the augmentation of the revenues of the sees of St. David's and Llandaff; next, there was the establishment and endowment of Archdeaconries, and likewise a provision for the parochial clergy in those very dioceses — all depending on that Act to which his noble Friend objected, and the Orders in Council which Her Majesty, on the report of the Commission, was empowered to carry into execution. These were all important points. On these grounds he founded the course he intended to take with reference to this Bill. He repeated he had no authority to give Her Majesty's consent to the discussion of this Bill; and on that ground alone the right rev. Bench ought to withdraw their support from this Bill, and allow it to drop. He had not the power nor the inclination to amend the Bill, and introduce such machinery as to carry out all those objects in relation to these Dioceses which were proposed in the Report of the Commissioners, and which Her Majesty in Council had power to execute if this Bill was not passsd. If, therefore, their Lordships did persist in the third reading, the Bill must be sent to the other House, there to be so amended as to enable it to attain its objects consistententLy with the execution of the other Act of Parliament. Under these circumstances, he certainly did not mean again to take the sense of their Lordships on the Bill. He contended himself with declaring that he had not the authority to signify Her Majesty's consent to the discussion of this Bill.

Lord *Monteagle* opposed the Bill on the ground that its enactments would stand in the way of all effectual amelioration of the condition of the working clergy. He would ask their Lordships, he would ask the noble Earl (the Earl of Powis) himself, whether the state of the Church in North or South Wales was satisfactory to the friends of the Establishment? Had it worked well? Had we an Established Church growing popular, or had we a great increase of dissent? Did not the Church stand in the position of being not the Church of the majority, but of the minority? In the face of experience, therefore, their Lordships were called upon to retrace the step they made a few years ago, and in a manner which would throw obstacles in the way of a future consideration of this subject. The Church had at this moment a protection against an incidental vote of Parliament in the prerogative of the Crown, which was the head of the Church, and he called upon their Lordships not lightly to set aside that protection. The Ecclesiastical Commissioners had looked at the question as a whole; they did not limit themselves to the Principality of Wales, but they considered how the interests of religion would be best promoted, and that was the ground upon which they made their recommendations. If their Lordships had the power of fully looking into the motives which induced the turmoil out of doors upon this question, they would be found to be motives which their Lordships would be the last to recognize. With respect to the course which the noble Duke had suggested, the noble Duke had said that the Bill was in derogation of the prerogative of the Crown and that for the further progress of the measure it was necessary to have the consent of the Crown. In the event of the Bill not having this element which Parliamentary usage required, if it were against the prerogative of the Crown, and against the consent of the Crown, he should say with his noble Friend "Not Content" to the question of the third reading. As to allowing the Bill to go to the other House, in order that such amendments should be made in it there as would render it acceptable to the Crown, the framers of the Bill should have brought the Bill in a proper shape into the other House in the first instance; but to pass this Bill here in the expectation that the other House of Parliament would supply its deficiencies, was contrary to usage. and an abdication of the functions of this House. Were their Lordships sure that such amendments would be made by the other House? He besought them not to pass this Bill against the consent of the Crown, against the wishes of the two metropolitans of England, and against the opinions of the Ministers of the Crown. He entreated them to pause before they took such a step, in the mistaken hope that the Bill might be altered elsewhere, so as to obviate the objections to it. He should move that the Bill be read a third time that day six months.

The *Lord Chancellor* doubted whether he had any authority to put to the House the question for the third reading of a Bill whereby not only the prerogatives but the pecuniary interests of the Crown were affected, and which had not the consent of the Crown to its discussion. Every alteration that could take place with respect to episcopal distribution, affected directly the pecuniary interests of the Crown, inasmuch as during the vacancy of a See, the temporalities belonged to the Crown. There could be no doubt, that the previous consent of the Crown was necessary for the passing of a measure that affected the pecuniary interests of the Crown. He would, therefore, seggest that a Committee should be appointed for the purpose of ascertaining precedents, that their Lordships might know what course should be pursued. If that suggestion met their Lordships approval, the debate should be adjourned for that purpose. He confessed he did not see how the Crown, which would be seised of the temporalities during the vacancy, would be damnified by two Sees being either united or separated.

Lord *Brougham* said, that as this was a measure to prevent the consolidation of two Sees into one, to keep up two Sees, he could hardly see how the interests of the Crown could be damnified by the House agreeing to it. On the contrary, it was a question whether the interests of the Crown would not rather be benefitted by having two chances of the temporalities during vacancy of Bishoprics instead of the one that it would have were the See to be united.

The Duke of *Wellington* said, that the present measure affected the prerogatives of the Crown in this manner—the Act of Parliament recited certain reports of the Ecclesiastical Commissioners, and enabled the Crown, by Orders in Council, to carry the recommendations of these Reports into exeecution. Now, the present Bill by repealing an important Clause of this Act, repealed the foundation on which the Order in Council was based.

The *Lord Chancellor* would remind their Lordships that the present measure would prevent the creation of the See of Manchester, and the matter, as regarded the prerogatives of the Crown, was not a question of more or less—for that was a question for the Crown to judge—but of high principle.

The Marquess of *Lansdowne* claimed, before he was called upon to give an opinion, an opportunity of considering the question; and he trusted that the noble Earl would acquiesce in the suggestion of the noble and learned Lord on the Woolsack, and either adjourn the question or refer it to a committee. It was not a question of form, but of substance. If it had been a question of form, considering the importance of forms, their Lordships should deliberate well before they proceeded with the Bill when they had a direct declaration of a Minister of the Crown that it had not the assent of the Crown. But it was a question of substance affecting the prerogative of the Crown, if not as to the amount of patronage, as to the distribution of patronage, which was equally important, and as to the creation of a new bishopric, which was cut away by this Bill. If he was called on to give an opinion, he would say that the noble and learned Lord on the woolsack was not at liberty to put the question, and he had risen to express a hope that the noble Earl would consent to an adjournment of the question, considering the importance of the topic in all its consequences under future and unforeseen propositions which might be made affecting the interests of the Church of England, and the Constitution of England, and for which this Bill would make a most important precedent, which would not be forgotten.

The Duke of *Richmond* said, if the question were put, he should vote for the third reading of the Bill. If, however, the noble and learned Lord on the woolsack should propose a Committee to search for precedents, he was not prepared to say that there would be found any precedent which would preclude the House of Lords from passing any measure through its stages up to the last, though the measure had not the consent of the Crown. He was therefore anxious that such a Committee should be appointed, in order to see whether it was not the privilege of that House to pass a Bill without the consent of the Crown.

The Marquess of *Clanricarde* said, the House ought to be careful how the appointment of the Committee was worded. Their Lordships must not prejudice the question suggested by the noble Duke as to the right of the House to proceed with a Bill without the consent of the Crown.

The Duke of *Richmond* said, there could be no doubt as to their right to read the Bill a third time, as *non constat* that it might not be so altered as not to affect the prerogative of the Crown, and his opinion was that the Bill should be read a third time. If they had a right to read it a second time without the consent of the Crown, they had a right to read it a third time.

Lord *Cottenham* said, the question raised by the noble Duke went to one of the best established rules of Parliament. It was a rule in both Houses of Parliament that a question involving the interests of the Crown should never be debated without its consent. The noble Duke said, that it was the right of this House to debate, if not to pass the Bill, without the consent of the Crown. [The Duke of *Richmond* dissented.] The House was in this position: two Ministers of the Crown had declared that this was a case in which the consent of the Crown was required, and would not be given. Was the House then in a condition to read the Bill a third time? If so it would be destructive of the rights of the Crown, for this was a question involving the pecuniary interests of the Crown and the patronage of the Crown.

Lord *Campbell* said, he entirely concurred with the noble and learned Lord.

Lord *Vivian* suggested that the question might be put, whether the Bill be read a third time now or in six months, and if the amendment should be carried, all the difficulty should be at an end.

Lord *Kenyon* had been forty-two years in Parliament, and his experience was, that there was no irregularity in passing a measure through its stages, including the third reading, whether or not the consent of the Crown had been given. He should certainly vote for the third reading of the Bill, as he considered the opinion of the House to be decidedly declared as to the merits of the Bill. After that had been done he should be ready to vote for a Committee.

Lord *Canterbury* thought it improper to mix up the merits of the Bill with that most important one suggested by the noble and learned Lord on the Woolsack. It no doubt had been the practice of Parliament, from almost time immemorial, with regard to certain measures, to obtain the previous consent of the Crown, before any such measure was carried to its last stage. He confessed that he did not think that this was a very easy question to answer at once. The Motion now was for the third reading of a Bill, and then there would be a subsequent Motion that "the Bill do pass." He was quite sure that it was the most anxious desire of both Houses of Parliament to preserve intact and inviolate as well the prerogatives of the Crown as the privileges of Parliament, and he thought that instead of attempting to run a middle course, it would be much preferable to postpone their consideration of the question until they had had the opportunity of a search for precedents whereby to guide them to a final decision. He confessed that he was not prepared to say, off-hand, whether or not the present measure required the consent of the Crown before it passed the last stage, the point raised by the noble and learned Lord on the Woolsack, whether he could constitutionally put the question without the previous consent of the Crown, was a most important and delicate point. The question had nothing whatever to do with the merits of the measure under consideration, or of the feelings or judgment of individual Members of the House. He thought that such considerations were of no avail until the question of prerogative was decided. For these reasons he thought there should be an inquiry and a search for precedents, as suggested; and that pending that inquiry, they should suspend the further consideration of the measure.

The Bishop of *Salisbury* felt, in common with the noble Viscount (Viscount Canterbury), that the merits of this Bill should be altogether separated from the question of prerogative; but he thought the present the most convenient time for discussing its merits, leaving the question of prerogative to be taken into account on the final question that the Bill do pass.

Lord *Canterbury* wished to say one word as to the question of whether the noble and learned Lord was or was not to put the final question. [*Cries of* "No."] He admitted that the third reading was not the final question, and that alterations might be made in the Bill after it had passed that stage, but he submitted, as this most important constitutional question had been stirred, whether it would not be more convenient for the full, fair, deliberate, and unprejudiced discussion upon the third reading of the Bill, that an adjournment should take place, and that the Committee be appointed in the mean time. There was fuller scope for discussion on the third reading than there could be afterwards. He therefore moved, that the debate thereon be adjourned.

The Duke of *Wellington* said, he had already recommended the right rev. Bench, for the sake of the Church, not to proceed with the Bill at present, and his first reason amongst others for giving that advice was, that the question of prerogative might be considered.

The Earl of *Powis* said, that for proceeding without the consent of the Crown he had the precedent of the Act respecting the Bishopric of Sodor and Man, and also of the Act for carrying into effect certain modifications of the fourth Report of the Commissioners of Ecclesiastical Duties and Revenues, which passed both Houses of Parliament without the House having sought the previous consent of the Crown, when the noble and learned Lord (Lord Campbell) was Attorney General, and the noble and learned Lord (Lord Cottenham) was Lord Chancellor. If the feeling of the House was against his now pressing the third reading of the Bill, he would give way, but he thought the better course would have been to take the third reading now, and postpone further discussion until the question "that the Bill do pass."

The *Lord Chancellor* said, he had only to put the question that the debate on the third reading of the Bill be adjourned.

House adjourned.

HOUSE OF COMMONS,

Monday, July 1, 1844.

MINUTES.] BILLS. *Public.*—1°· Militia Ballots; Vagrant's Removal; Stock in Trade; Turnpike Acts Continuance.

Reported.—Linen, etc. Manufacturers.

3°· and passed:—Education.

Private.—1°· Hitchin's (or Peach's) Estate; Archbutt's Divorce.

Reported.—Paisley General Gas.

3°· and passed:—Coventry Improvement and Cemetery; Holmfirth and Dunford Roads.

PETITIONS PRESENTED. By Mr. M. O'Connell, Mr. P. Somers, and Mr. Wyse (42 Petitions), from Ireland, against Registration of Electors Bill; and by the same (36), for Repeal of the Union.—By Lord Ashley, from Ballah, against Dissenters Chapels Bill.—By the Earl of Hillsborough, from Drumbo, for Legalizing Presbyterian Marriages.—By Mr. Burroughes, from Norfolk, against Union of St. Asaph and Bangor.—By Mr. Stuart Wortley (4), and Mr. Milnes (1), from Yorkshire, against Repeal of Corn Laws.—By Sir G. Clerk, from Cork, respecting Assessment of Wages.—By Lord Henniker, from East Suffolk, against Bank Charter.—By Mr. Maurice O'Connell (22), from Ireland, against Bank of Ireland Charter.—By Admiral Dundas, from Blackheath, for Alteration of Commons Enclosure Bill.—By Mr. C. Round, from Chelmsford, against County Courts Bill.—By Earl of Hillsborough, from Banbridge, for Extending County Courts Bill to Ireland.—By Mr. Mackinnon, from Pimlico, for regulating Interments.—By Mr. Stuart Wortley, from Ossett, against Truck System.—By Mr. W. Miles, from Axbridge Union, for Alteration of Poor Law.—By Viscount Newry, from Newry, respecting Poor Law (Ireland).—By Mr. Greene, Mr. Muntz, and Mr. M. Philips, from the Lancaster and Preston Junction, Birmingham and Gloucester, and Manchester and Birmingham Railway Companies, against the Railways Bill.—By Mr. M. Philips, from Manchester, against Savings' Banks Bill.

THE COOPERS' TRADE.] Mr. *Labouchere* begged to ask the right hon. President of the Board of Trade, whether he had been able to mature any scheme which would have the effect of relieving the Coopers, and, if so, whether there was any probability of its being brought forward in the present Session?

Mr. *Gladstone* said, the Government did not intend to propose any reduction of the duty on Staves in the present Session. He had received a good deal of statistical information, which he had no objection to present to the House, which would show that the statements made to the right hon. Gentleman with respect to the Coopers had been coloured to an unwarrantable extent.

THE ROCHDALE YEOMANRY.] Mr. *Bright* had on Wednesday last presented a Petition, signed by 5,000 persons at Rochdale, praying that the House would not sanction the raising of a troop of yeomanry in that district. It stated that that force was expensive and needless, as breaches of the peace rarely took place in that district; it also stated, that the members of this troop of yeomanry were all of one political party; that in case of any breach of the peace occurring, the force would be wholly inefficient, as it was notoriously cowardly when brought in conflict with danger.

Mr. *Miles* rose to order. He wished to know whether it was competent to any Member of that House to speak of so valuable a body, and to charge them with cowardice.

Mr. *Bright* was stating what were the allegations of the Petition; it said, that such a force was not only cowardly, but cruel also, as cowardly persons generally were. It said, that the regular force was a better one in all respects, as for neighbours to fire on each other raised ill blood and enmity that might take years to assuage; and that young men were called away from their business and shops to their injury, as they had not the means of affording to play at soldiers in this manner; it was injurious to themselves and detrimental to the district. The question he wished to ask the Secretary of State was, whether the Government had given encouragement to the formation of such troops; and, if so, whether the right hon. Gentleman had any objection to lay on the Table the correspondence that had taken place upon the subject?

Sir *James Graham* said, that the noble Member for South Lancashire having communicated to him that a number of persons in the district of Rochdale had offered to raise a troop of yeomanry, he referred the communication to the Earl of Derby, the Lord Lieutenant of the county. The reply of the noble Earl was, that he saw no objection to raising such a troop, and on that official opinion he had advised Her Majesty to accept the services of this troop. The hon. Gentleman and the House were aware, that in August, 1842, the manufacturing districts were much disturbed; that property and life were in danger, and an application had been made to him of the most urgent kind for military aid to give assistance to the civil power. Objections had been raised to the employment of yeomanry in the place where they resided. Orders had been sent by Sir W. Wane that the Bolton and Wigan troops should proceed to Preston, yet, notwithstanding this order, such was the state of things in Bolton, that the Mayor set at nought the instructions that had been issued by his noble Friend, and detained the Bolton troop for the protection of the lives of the inhabitants of the town. That was no doubt a great stretch of power, on the part of the Mayor, and he doubted the discretion of it; but nevertheless this yeomanry, which had been designated as "hired assassins," were detained in Bolton for the purpose of protecting life and property. He could not forget what had been the state of things at Rochdale. It was much disturbed, and there was a great pressure for troops, urgent applications from master manufacturers for military protection. He hoped no such dangers would again recur, and no such precautions be required; but remembering the danger that threatened both Bolton and Wigan, and the applications made for the aid of the yeomanry when the danger was pressing, he was happy to accept the offer of the loyal yeomanry that was made to the Government from the neighbourhood of Rochdale. There were sixty who had tendered their services, and were enrolled. He hoped there would be no occasion for their services; but if the hour of danger should arrive, then he was sure their active aid and protection would be eagerly sought, even by those who, perhaps, did not now feel any gratitude for the services already rendered to them at a time, when they declared their lives and property insecure.

Subject at an end.

FRANCE AND MOROCCO.] Viscount *Palmerston* wished to ask a question of the right hon. Gentleman at the head of the Government, of which he had given notice. It was with respect to the state of affairs on the coast of Morocco. It was well known that events were taking place in that part of the world which might be in their results of serious consequence, as bearing on very important interests in this country. That this was their character, was not only his opinion, but also the opinion, it was presumed, of Her Majesty's Government, because Her Majesty's Government had already stated that they had had communications with the Government of France on this matter, and that they had received from that Government explanations and assurances which they considered satisfactory. Of course those assurances were to be so considered, as well from the diplomatic form in which they were given, as in their substance and nature. But it was usual, when matters were taking place in any part of the world in which Great Britain had important interests at stake, that the Government of Great Britain took the means, by officers of its own, to secure for itself accurate information as to what was passing. Therefore he wished to know whether, in the present instance, they had employed, or were about to employ, any military commissioners with regard to the transactions that were taking place on the frontiers of Morocco; and whether they had any naval officers or ships on the coast of Morocco, for the purpose of keeping up a regular and authentic report of the course of events as they were passing, or whether they simply trusted to the accounts which might be received from the naval and military authorities of the French Government?

Sir *Robert Peel*, in answer to the question which had been put to him by the noble Lord, and of which he had been so good as to give him notice, had to state, that Her Majesty's Government had felt it to be their duty not to be dependent upon French sources of information of the events which might take place on the frontier of Morocco. Her Majesty's Government had given such directions as they had deemed requisite, for the purpose of having correct information from sources over which they had control, and also had adopted those measures which they deemed requisite for the protection of British interests, in case British interests should be affected.

Colonel *Fox* had not, he said, time to give notice to the right hon. Baronet of the question he meant to ask. It was with respect to the accuracy of the statement of a paragraph which he had seen in a morning paper. It was to this effect:—

"The Governor of Gibraltar proceeded to Ceuta on the 12th ult., in the Locust steamer, and repaired forthwith to the Moorish camp. The next morning he sent the British Vice Consul to Tangiers, doubtless with a view to some accommodation; but the Governor of Ceuta and the Spanish Consul General at Tangiers, do not seem to have appreciated his good intentions."

He wished to know, if this were done under the sanction of Her Majesty's Government, and whether any information had been given thereupon?

Sir *Robert Peel* stated, that apparently the question the hon. and gallant Gentleman ought to have asked was, whether a paragraph in a newspaper were correct? It would be difficult for him to answer such questions. He had to say that Sir Robert Wilson had been to Ceuta, but not with any authority from Her Majesty's Government.

ORANGE PROCESSIONS.] Mr. *Wyse* had seen during the past week in the public papers letters addressed to the Protestants of the north of Ireland, cautioning them against violating the law and public tranquillity by originating or taking part in the party processions which were formerly customary about this time, but which were prohibited by the existing Party Processions Act. He found no fault with these friendly and wise admonitions—quite the contrary—he would be glad to see similar counsels of forbearance more frequently producing their effect in Ireland; but there were passages in those letters which induced him to look with something like doubt on the advice given, and which urged him to put the present question. One of these letters bears the signature of Lord Farnham, and is dated, London, June 21; it speaks of the statute as being "insidious and unjust," but calls on the Protestants, to whom it is addressed, "to bear in mind that it is still the law of the land." It requests that they will strictly obey it, "however they may be provoked and aggravated by their opponents to pursue a different conduct." Another letter is signed by Henry J. Johnston, Grand Master of the county of Monaghan, dated Fort Johnston, June 20, 1844, and states the Procession Act is still in force, but adds, "the Act will expire 1st August; one trial more awaits you before the expiration of the Procession Act;" sentences which give the impression of its anticipated discontinuance. Now, much as he felt objection to coercive laws, and desired to see all suppression of these party signs and other causes of dissension arise from the parties themselves, he could not but wish (and in that he was joined by many in Ireland) to ascertain whether or not such impression was well founded. He would, therefore ask, without further preface, the right hon. Baronet whether or not Her Majesty's Government intended to renew the Party Processions Act, on its expiration on the 1st of August?

Sir *James Graham* judging from the experience of past years, had reason to hope that the Protestants of the north of Ireland would, on the approaching anniversaries, abstain from processions as they had so wisely done for several years past. But there were two Acts of Parliament about to expire, both of which were of very great importance. He alluded to the Act for the suppression of Secret Societies and unlawful Oaths, and to the Act for the Suppression of Orange Processions. A Bill was already on the Table of the House for the renewal of the former Act, and it was the intention of the Government, in the present state of affairs in Ireland, also to propose the re-enactment of the Orange Processions Bill. He was, however, happy to say that Government, under all the circumstances, felt justified in limiting the duration of both these Bills to the 31st August, 1845.

BUSINESS OF THE HOUSE.] Sir *R. Peel* said, he would take the opportunity of moving, that the Order of the Day for the second reading of the Irish Registration of Electors Bill be now read to explain, as far as it was in his power to do so, the course which Her Majesty's Government proposed to pursue with respect to those Bills which had been already submitted to Parliament, and were now waiting the sanction of the House. Upon looking at the Orders of the Day which stood for Thursday, Wednesday, and today, he believed that they included all the Bills which were at present awaiting the decision of the House. There were, however, some Bills which were not yet introduced, but which he had reason to hope would cause very little trouble or debate. He was sorry to say, however, that a vast mass of business still remained to be transacted, there being a great number of Bills which the Government thought it necessary to proceed with. With regard to the majority of these, however, he hoped that there would not be found to exist any great difference of opinion. He would, however, go to the paper for Thursday. There was, first of all, the Poor Law Amendment Bill. It was the intention of the Government to proceed with that Bill. There were also two other Bills, of a most salutary nature, having reference to the Duchy of Cornwall, which it was most desirable should become law as soon as possible. These Bills he believed met with general approval, the object of them being to facilitate the settlement of long pending suits in the Duchy of Cornwall. With regard to the Metropolitan Buildings Bill, his noble Friend the First Commissioner of Woods and Forests proposed to proceed with that. On Wednesday there were two Bills under the charge of the Government, and with those also it was the wish and intention of Her Majesty's Government to proceed. These were the Bill for the regulation of Joint-Stock Companies, and the Joint-Stock Companies Remedies at Law and Equity Bill. Then, with regard to the business on the paper for the day—there was first the Registration of Electors (Ireland) Bill. He had already given notice that it was not the intention of the Government to proceed beyond the second reading of this Bill, as it would be quite impossible that it could pass into a law to become operative during the present year. There was next the Municipal Corporation (Ireland) Bill; he was surprised to hear that any objections was entertained to it, as the object of the Bill was to extend the provisions of the English Municipal Corporations Act to Ireland. But as it was so connected with the Registration of Voters Bill, that in the opinions of many persons connected with Ireland they should be both proceeded with simultaneously, he would not press the Municipal Corporations Bill during the present Session, though he regretted the necessity for delay. With respect to the Railways Bill, which was a very important measure, he was sorry to say that it was likely to meet considerable opposition from parties connected with existing railway companies. The Government felt, however, that it was of importance, with regard to railway Bills now before the House, and those which would come before it next Session, that the intentions of Parliament should be known with respect to their future legislation on railways. With regard to the Savings Banks Bill and the Land Tax Commissioner Bill, his right hon. Friend the Chancellor of the Exchequer would proceed with these Bills. With regard to the County Courts Bill, he would rather postpone making any final announcement upon it till this day week, by which time he expected that the opinion of the House of Lords would be made known with regard to two Bills now before them, particularly in regard to the subject of imprisonment for debt. The Superior Courts Common Law Bill and the Small Debts Bill were not Bills of which Her Majesty's Government had charge, but which the hon. and learned Member for Chester had under his care. The Chaplains to Hospitals (Ireland) Bill, and the Courts of Common Law Process (Ireland) Bill, were Bills under the charge of the hon. and learned Gentleman the Member for the city of Cork, and which he, therefore, could not be responsible for. With regard to the Ecclesiastical Courts Bill, he had to announce on the part of Her Majesty's Government that it was not their intention to proceed with this Bill, as from the mass of business before the House, and the opposition which the Bill was likely to receive, seeing they had not yet passed the first Clause through Committee, it was not likely that they could pass it during the present Session. As had been announced by his right hon. Friend, it was the intention of Her Majesty's Government to proceed with the Unlawful Oaths (Ireland) Bill, and also with the Copyholds Enfranchisement Bill, which had come down from the Lords. The next five Bills on the list it was the intention of Her Majesty's Government to proceed with. The Customs Duties Bill it was intended to proceed with. With respect to the Bank of England Charter Bill, he hoped that the Report would be received to-morrow, and that no further opposition of any importance would be made to it. He must say that he was very sensible that no factious or vexatious opposition had been made to this Bill. It had been very fully discussed, and, from his experience of the manner in which the opposition to the Bill had been conducted, he had every reason to hope the future stages of the Bill would be allowed to pass without opposition. Her Majesty's Government proposed to proceed with the Education Bill, the Linen Manufactures (Ireland) Bill, and the Charitable Loan Societies (Ireland) Bill. The Aliens Bill he believed was under the charge of the hon. Member for Hull. Her Majesty's Government proposed to proceed with the Protection of Purchasers (Ireland) Bill, and also with the Colonial Postage Bill. [An hon. *Member:* The New South Wales Bill.] That Bill was not included in the list for either of the three days he had taken up; but he could state that it was intended to proceed with it. The number of these Bills was large, but still he hoped that they were not likely to lead to any serious opposition. There was one Bill ready to be introduced which was of importance as a corollary to the Bank Charter Bill, and which it was the intention of Her Majesty's Government to proceed with—that was a Bill to establish new regulations for such Joint-stock Banks as might hereafter be established. It would not apply to existing companies, but would be merely prospective in its operation. There was also a Bill of considerable importance, which was not as yet under the consideration of the House, and which it was the intention of the Government to introduce, and that was a Bill founded on the Report of the Select Committee appointed to consider the manner in which the House exercised its jurisdiction with regard to contested elections. That Committee had consisted of Gentlemen who had been appointed on account of their extensive acquaintance with the subject, and in the Report it had suggested certain alterations in the existing law. Therefore, the principle of the Bill had already been for some time before the House. It was the intention of the Government to introduce a Bill founded on the recommendations of that Committee and his noble Friend the Chancellor of the Duchy of Lancaster, who had been a Member of the Committee, would propose a Bill to carry the recommendations of the Committee into effect. He had now gone through the various Bills, and had stated the intentions of the Government with respect to each Bill. At the same time, he must reserve to himself the power of modifying the declaration which he had just made, according to the progress which the respective Bills with which the Government was determined to proceed might make in the House.

Colonel *Rawdon* would be glad to know the intentions of the Government with respect to the Presbyterian Marriages Bill.

Sir *Robert Peel* said, it was the intention of the Government to persevere with the measure; which he thought would give entire satisfaction to the parties concerned; and he hoped another Session would not pass without that measure becoming the law of the land.

Mr. *J. Bright* wished to know if the House was to understand that no Bill of any importance, other than those which had been mentioned to-night, would be introduced this Session? He recollected that last year a most important Bill, the Chelsea Pensioners Bill, had been introduced at the close of the Session when very few Members were in town.

Sir *R. Peel* replied, that if he were to answer the question literally, he should answer that there were other Bills which were intended to be introduced—for instance, the Appropriation Bill—the introduction of which, he thought, would give general satisfaction, as indicative of the approach of the close of the Session; but if the hon. Gentleman asked if the Government contemplated the introduction of any other measure of public importance, he would reply that they did not. Yet still he would not pledge himself not to introduce any measure of importance if circumstances should arise to render it necessary.

IRISH REGISTRATION BILL.] On the Order of the Day for the second reading of the Irish Registration Bill being read,

Mr. *T. Duncombe* said, as an English Member, he rose to protest against this most enormous waste of time; more especially as they were about to establish a precedent which was unknown in the proceedings of that House. He was not going to discuss the merits of this Bill. What he complained of was, that after the right hon. Baronet had withdrawn three or four importants Bills, he asked them to proceed with a discussion upon a Bill which could not pass through its stages in the present Session. He had looked over the Journals of the House, and could not find any other instance of a Minister of the Crown thus dragging his supporters through the mire, for the purpose of having a Bill read a second time, and then saying to those supporters, "You may now go about your business; I do not want your votes or your aid any longer, as we do not mean to proceed any further with the measure." To insist upon this discussion, under these circumstances, would be only dragging the supporters of Government through the mire, as they had done before, in order to cast an additional insult upon the people of Ireland. He had received a letter on Friday from a gentleman connected with Ireland, and who was now the head of the Repeal Association, intreating him to use all his influence with English Members to prevent the people of Ireland from being insulted by the second reading of this Bill. He was asked not to allow the Bill to be discussed in the absence of the hon. Member for Kilkenny and the hon. Member for Cork, the latter of whom represented a constituency consisting of about 700,000 inhabitants. They had just heard that a magistrate had been reinstated in the Commission of the Peace, in compliance with the requisition of 22,545 inhabitants of Cork. Why, then, did they wish to proceed with the Bill, which was an insult to the people of Ireland? The right hon. Baronet said the other evening that he wanted to ascertain what were the opinions and feelings of the Irish Members with respect to this Bill. Why, did he not know them at that moment? If they wanted to know the opinion of the Irish people, let them read their petitions, asking the House to reject the Bill. Although they had an immense amount of business to transact, yet they proposed wasting another evening in discussing the obnoxious clauses of a Bill that was not to be carried on. He would be no party to such a discussion, and he would take the sense of the House, as to whether its time was to be wasted in a discussion that could have no practical result. He should not ask the House to give any opinion, one way or another, on the merits or demerits of the Bill; the only question he should submit was, whether they could allow the public time to be wasted in a futile discussion on the Motion for the second reading. He therefore moved as an Amendment that the House do proceed with the other Orders of the Day.

Sir *R. Peel* said, with respect to the period of the Session at which the Bill was proposed, he begged to observe that the second reading of the Bill was fixed, at a period when it would have been competent for the hon. Member for Cork to be in his place, and that he postponed the second reading at the express wish of the Gentlemen at the other side connected with Ireland. He believed the second reading was fixed for an early day in April. That Bill provided the same general system of Registration for Ireland that prevailed in England, and it was important that Her Majesty's Government should know whether the House approved the principle. The Bill also provided for a new franchise—in some cases a considerable extension of franchise—for Ireland, and he felt bound, therefore, to persevere in asking the House to pronounce an opinion on the principle, reserving to themselves the right at a future opportunity of discussing and altering, if necessary, the details. Friday the 19th of April was the day, he believed, for which the second reading had been originally fixed, and it had been postponed, not for the convenience of the Government, but at the express request of hon. Gentlemen opposite connected with Ireland. And seeing the importance of ascertaining the opinion of the House as to its principle, he could not see how it could be looked upon as any insult to Ireland to ask the House to go into the discussion. The hon. Gentleman had told them that the Municipal Corporations Bill was also an insult to Ireland; but seeing that by that measure it was proposed to give an extension of the Municipal Franchise to Ireland, and to place that franchise upon the same footing as it existed in England (and that at the earliest period at which it could be done)—viz., that it should depend upon the occupation of a house and the payment of rates, he could not understand in what way any insult was conveyed by this measure. Under all the circumstances he trusted the House would not refuse to express an opinion upon the second reading of the Bill.

Mr. *V. Smith* observed, that the question raised by his hon. Friend (Mr. T. Duncombe) was not as to the principle of the Bill, but whether it was fair at that period of the Session, with so large an arrear of business before them, to take up the time of the House for one or perhaps two nights upon a Bill which the right hon. Gentleman admitted, it was not his intention to proceed further with during the present Session. As to reading the Bill a second time, with the view of ascertaining what was the state of public opinion with regard to it, the right hon. Gentleman must remember that already had the measure been before the House and the country for a considerable period, that it had been printed and circulated through the country, and had been generally denounced. He could not, therefore understand on what grounds the right hon. Baronet could call upon the House to pledge itself to the principle of the Bill by affirming its second reading. Why did not the right hon. Baronet leave the House as free as himself in the matter? There were no public grounds for the course the right hon. Gentleman proposed; and if he persisted in it; the advice he (Mr. V. Smith) would offer to his Irish Friends round him, was to avoid saying a word upon the subject until the right hon. Baronet should bring in a Bill which he intended to pass into a law. When a right hon. Baronet was prepared with such a measure, let him bring it in at a proper period of the Session, and take the discussion on its various stages in the usual course; but he for one, must object to the attempt to "Hansard" hon. Gentlemen out of their opinions next year, by telling them they were pledged to any views they might have expressed upon the second reading of a Bill with which it was not intended to proceed. He repeated, considering the state of public business—the Poor Law Bill, and other important measures, which it was understood, would be proceeded with, and which detained hon. Gentlemen from their magisterial duties—it was too much to ask the House to lose two nights in debating a Bill which was to be withdrawn.

Lord *Eliot:* Though the course proposed by the hon. Gentleman might be the more convenient—it was not the most straightforward. The measure had been denounced as an insult to Ireland, and an attempt to deprive Ireland of the franchise. Now, the Government by whom that measure had been introduced, were anxious that those hon. Gentlemen who had made these charges should have an opportunity of substantiating them, and of showing what were the Clauses of the Bill that would have such an effect. He and his right hon. Friends were convinced, that if a discussion were taken, they could show that so far from the Bill destroying or limiting the franchise, it would extend the franchise in Ireland. ["No, no."] It was most unfair to refuse to express an opinion upon the principle of the Bill.

Mr. *M. J. O'Connell* observed, that between friends and foes, he was in a somewhat difficult position. He and some of his hon. Friends who were opposed to the measure, had held a meeting on Saturday last to arrange the course of proceeding, and it was then arranged that he (Mr. M. J. O'Connell) should commence the opposition by moving the second reading that day three months, and in the course of the observations he had intended to offer, he had proposed to go into the details of his objections to the measure. What had been said out of doors might be answered out of doors. The noble Lord asked them to go into a discussion of the grounds upon which the Bill had been denounced out of doors; but he had not come there to defend general denunciations, or to repeat what had been said here or there, but to state fairly his objections to the Bill as a measure of legislation. The right hon. Baronet had stated, that he was anxious to take a discussion upon the second reading, in order to ascertain what were the objections of Irish Members to the Bill, in order that those objections might be duly considered, and a more perfect measure introduced in another Session, but if that were the object, he thought the wiser course would be for the right hon. Baronet or the noble Lord to summon a meeting of the Irish Members at the Irish office, for the purpose of ascertaining their views on the subject. Under all the circumstances—seeing the little advantage that could result from the House being called upon to bestow one or two days on the discussion of a Bill, which it was not intended to pass during the present Session, and the hope he should have to suppress a speech which he had been at some inconvenience to prepare—he thought it right to vote for the Motion of his hon. Friend the Member for Finsbury.

Mr. *V. Stuart* was disposed to think that it would not be wise to adopt the course suggested by the hon. Member for Finsbury, as unless the Government were made acquainted with the objections to the measure, they might expect the same Bill to be re-introduced next Session.

Mr. *Sheil* said, it was to be regretted that the Bill had not been brought forward for discussion at an earlier period of the Session. When the right hon. Baronet (Sir Robert Peel) was in opposition a Bill had been brought forward by his noble Friend, the then Secretary for the Colonies (Lord John Russell) upon the subject of the registration of voters in Ireland, and he well remembered that the Government were then taunted, Session after Session, for not proceeding with that measure. It was then urged by those who were in opposition, that some such measure was matter of necessity, and it was generally expected, when the present Government came in, that they would immediately proceed to legislate upon the subject. They had, however, allowed three years to pass over, without legislation, and when last year the Government were called upon for a Bill for the registration of voters, they were answered by a Bill for the registration of arms, as the more important and pressing of the two. It was, nevertheless, admitted by the Government, that a Registration Bill was indispensable, and at the commencement of the present Session, it had been announced in the Speech from the Throne, that legislation was imperative. Then why had not the Bill been brought forward before. The Government waited until after Easter before they introduced it, and then, it was true, his hon. Friend, the Member for Waterford, had asked for a few days delay, not more, in proceeding further with the measure; but why had it been deferred to this period of the Session? He thought, however, if the object of Government was to ascertain what were the opinions and objections of that (the Opposition) side of the House, in regard to the measure, and what were the alterations they were anxious should be made in it, and the reasons why they thought the whole principle of the Bill was objectionable, if that was the only object of the Government, he saw no reason why they should not go into the discussion on the second reading, and he trusted that the result of such a discussion would be, to induce the right hon. Baronet to change his opinion as to the advantages of the Bill which had been previously brought in by his noble Friend, the Member for London, and to abandon that which was now before the House. He hoped when the Government came to hear the arguments against the application of the Chandos Clause to Ireland, that they would be induced, in the Bill they would introduce next Session, to abandon it; and he was, therefore, disposed to think that the proposed discussion upon the second reading, might be of some advantage, with a view to the introduction of a better measure next Session.

Mr. *Bernal* thought his right hon. and learned Friend had forgotten what they were now called on to do was to pronounce an opinion, by a direct vote, in favour of the principle of the Bill before them. They were, as it appeared to him, placed in an odd and somewhat ludicrous position. It was, he believed, an unheard-of thing to call for a discussion on the second reading of a Bill which it was not intended to carry further, and to launch forth into all the objections that might be entertained to the several details on the second reading, as though they were in Committee, when they had none of the advantages of a Committee, no hon. Member being allowed to speak more than once. He would put it to the right hon. Baronet, what practical advantage could result from such a discussion. What information could he hope to obtain from it as to the opinions of the opponents of the Bill, the more especially when he found that many of those hon. Gentlemen intended to absent themselves, and to abstain from taking any part in the discussion? The right hon. Baronet, if he pressed the second reading under such circumstances would only elicit the opinions of a very small number of the Irish Members, and that only by the irregularity of going into the details of the Bill on the discussion of its principle. He trusted, therefore, that the right hon. Baronet would be induced to postpone the measure altogether until another Session of Parliament.

Mr. *Shaw* felt himself placed in some difficulty by the Motion of the hon. Member; for though he did not approve of every part of the Irish Registration Bill, yet he meant to give his vote to the Government in support of the second reading. At the same time he must confess, that after the avowal of his right hon. Friend (Sir R. Peel), that the Bill was to be abandoned for the present Session, he saw little advantage that could arise from a debate upon it, and much inconvenience, if not more serious evil. His noble Friend (Lord Eliot), seemed to think that the great agitation and violence to which the discussions on the subject had given occasion in Ireland made it desirable that the question should be debated in that House. He owned that he thought differently — he feared that hon. Gentlemen opposite, in order to satisfy the feelings of their constituents, might be induced to commit themselves to strong opinions and angry language concerning the Bill, which they might afterwards regret. Then, though at that moment his persuasion was that he would not offer an observation upon the second reading, should the discussion go on, still he could not answer for himself if provoked by exaggerated statements, and abusive attacks on the other side of the House; and then, although no practical result was to follow, bitterness and animosity might remain behind. Under these circumstances, while he could sympathize with the hon. Gentleman the Member for Kerry (Mr. M. J. O'Connell), and still more with the right hon. Gentleman (Mr. Sheil), for having to submit to that painful operation of the suppression of speeches which were ready for delivery, he thought it would be much the wiser course for his right hon. Friend not to press the discussion.

Viscount *Palmerston* also thought it would be more expedient for the Government not to press for any discussion on the second reading of the Bill at the present time. He was inclined to agree with the right hon. Gentleman who had just spoken, that a Bill so interesting to Ireland in general, and in respect to which such strong opinions were entertained must, when discussed, necessarily create a great deal of warmth. He would go no further on both sides which, unless some practical result were expected, it might be well to avoid. It appeared to him too, that the course proposed by the right hon. Baronet (Sir R. Peel) was a most unusual one. It was no doubt proper and useful on some occasions that bills should be brought in and read a first time without any intention to carry them through any further steps during that Session, but that they should be allowed to lie over in order that an opportunity for the expression of public opinion out of doors in respect to them might be afforded. That was a usual, and, in many instances, a very proper course of proceeding. Another course was to bring in a Bill with the avowed and understood intention of endeavouring to carry it into a law, but in that case, the discussion taken upon the second reading was of the principle not the details of the measure. And the principle being affirmed, they then went into Committee on the Clauses. Other Bills being altered and conformed in Committee to the general opinion of the House, and the views of the hon. Gentleman being ascertained, it was not unusual at a late period of the Session to allow the measure to stand over with the view of re-introducing it, in its altered and improved shape, in the next Session; but he could not understand why the House should be called upon to waste one or two evenings irregularly upon the details of a Bill while they were discussing the principle on the second reading, and when no practical result could follow. If the Government were really anxious to adopt the suggestions of hon. Gentlemen on that (the Opposition) side of the House, and to obtain information, there might be some advantage in entering upon the discussion, but, judging from his own Parliamentary experience, he could not imagine that any such result would be likely to proceed from an angry discussion such as was likely to take place upon this measure, he was therefore disposed to concur with his hon. Friend the Member for Clonmel, that if the Government desired to ascertain the opinions and objections of the Irish Members as to this Bill, the better course would be to hold a meeting at the Irish Office and invite them to attend. That would commit neither party, and would be a more satisfactory mode of obtaining the views of those hon. Gentlemen than by provoking a discussion in that House. Looking at the advanced period of the Session, the Government having been compelled to postpone till another year many measures which they considered important, on the ground that there was not sufficient time for their discussion—seeing that although they often heard that the reason for the delay of other important business was the time occupied in the discussion of Irish affairs, that they were now called upon to enter upon a debate of one or two nights, which must be fruitless as to any practical result, he should certainly vote for the Motion of the hon. Member for Finsbury. The Government could not urge that their object in provoking the discussion was to obtain information as to the opinions of the people of Ireland; for the noble Lord (Lord Eliot) had himself alluded to some very violent statements made by the Irish press against the measure. He should say, therefore, that the better course was to withdraw the Bill altogether, and re-introduce it next Session.

Mr. *Collett* should support the Amendment of the hon. Member for Finsbury, and should that be lost, it was then his intention to walk out of the House, and to take no part in the discussion upon the second reading of the Bill.

Mr. *Curteis* thought, if the right hon. Baronet (Sir Robert Peel) were given to superstition, the war now raging in the elements should deter him from proceeding with the Bill. [At this moment the House was in a state of darkness from dense clouds illuminated now and then by flashes of lightning.] He should vote for the Motion of the hon. Member for Finsbury.

Sir *R. Peel* had not expected to hear an hon. Gentleman connected with the agricultural districts express fear at a flash of lightning, accompanied by the prospect of rain. Government had proposed to proceed with the second reading, in order to remove unjust and erroneous impressions reapecting the measure. The House would remember that when the Motion for leave was made the discussion had been brief, and it had appeared to him that it was in accordance with the general sense of the House that a discussion should be taken, and that the Government should have an opportunity of stating their views fully, and of endeavouring to remove hostile and erroneous impressions on the second reading. Now if, under such circumstances, he had voluntarily and immediately postponed the discussion of the principle of the measure, he should have been told he had insulted Ireland. See what had taken place. There had been a meeting of Irish members; they had considered and arranged the objections to the measure, and were prepared to argue them on the second reading, and the hon. Gentleman opposite (Mr. M. J. O'Connell) had avowed that he was to have led the opposition. The views of hon. Gentlemen opposite connected with Ireland were in accordance with those of the Government, that an opportunity should be given of considering, upon the second reading, whether those objections to the Bill were well founded or not; and he thought if he had announced at once that it was not intended by the Government to ask the House to read the Bill a second time, hon. Gentlemen opposite would, he little doubted, have accused the Government of having acted most unfairly towards the Irish Members, by preventing them stating their objections to the measure. If, however, he now understood that hon. Gentlemen on both sides of the House connected with Ireland, were against going into discussion upon the second reading of the Bill during the present Session, if that were the prevailing opinion, he should feel bound, in a matter of this kind, to defer to it; he always wished in regard to Irish measures, to consult the convenience of gentlemen connected with Ireland as to the time of bringing them forward, and he should not, on this occasion, press against the reluctant body of Irish Members the second reading of a measure which the Government had avowed they had not intended to proceed further with during the present Session. If there was no other reason—if he thought by postponing the second reading he could avoid the expression of any irritation of feeling, that of itself would be an inducement sufficient to agree to the hon. Gentleman's Motion. Therefore, if he correctly understood that the general wish of the House was to postpone the discussion, he should not, against that expressed wish, call for an opinion on a question that could not end in any practical legislation during the present Session. He was, however, most anxious to understand that in doing this he was acting in conformity with the general feelings of Irish Members.

Mr. *M. O'Ferrall* remarked that, as far as he himself was concerned, he had not intended to go into any discussion of the details of the Bill, but merely to contend as against its principle that it went to repeal an important part of the Irish Reform Bill, by taking away the franchise which that Bill gave, and establishing a franchise which that measure had not provided. He had not known until within the last hour that his hon. Friend the Member for Finsbury intended to move the Amendment against the second reading: but being compelled to admit that every opportunity had been given for the full and fair discussion of Irish questions during the present Session, he for one should be most unwilling to press a discussion extending over one or two nights upon an Irish question that could not result in any practical legislation at that period of the Session, in opposition to the wish of English Members. If, therefore, the question went to a division, he should vote with the hon. Member for Finsbury.

Sir *R. Peel* thought he was entitled to infer that it was the predominant wish of hon. Members on both sides of the House connected with Ireland that this Bill should not now be discussed—and that he (Sir Robert Peel) should not be considered as offering an insult to Ireland if he disappointed some hon. Gentlemen in the expectation they had formed of having an opportunity of stating their objections to the measure. If he was fortified in that impression he should yield most willingly to what appeared to him to be the general feeling, and not further press upon the House to enter into a discussion upon a question they desired to postpone. He should, however, state that in moving the second reading, he had not intended to ask the House to pledge themselves to the details, but merely to consider and affirm the principle of the Bill. After getting through the other Orders of the Day, he would move that the Orders for the Bills he had mentioned be discharged.

Mr. *Shaw* was happy that his right hon. Friend (Sir R. Peel) had intimated his intention of postponing the Irish Corporations Amendment Bill, along with the Registration Bill, for the present Session. He had given notice of various Amendments to the Municipal Bill, and in its present form he did not think the Government could have passed it. He, however, then understood that that Bill, as well as the Registration Bill, was to be withdrawn, and he was glad of it.

The Motion for proceeding to the other Orders of the Day agreed to.

Unlawful Oaths (Ireland).] House in Committee on the Unlawful Oaths (Ireland) Bill. On the question that the blank in the first Clause be filled up with the words " one year,"

Mr. *More O'Ferrall* objected to the words in the Clause, permitting the discovery of any copy of any unlawful password or oath of an unlawful society upon a person to be *primâ facie* evidence against him.

Lord *Eliot* thought the Clause necessary, although he admitted that the measure was one the enforcement of which it was necessary to watch with extreme caution. The Bill only proposed to renew the existing law for a year.

Mr. *Morgan J. O'Connell* expressed his fears that secret informers would work out their ends by means of this Bill. They would, as they had already done, put papers containing illegal passwords into the hands of innocent men, and thus attempt to convict them of crimes of which they were innocent.

Mr. *T. B. C. Smith* said, that, with reference to the case which had been alluded to, he had directed the policeman implicated to be prosecuted. As to the Act in question, he admitted that its operation was stringent; but with respect to secret societies, it was impossible to keep them in check without the agency of informers, however much they might deprecate their employment. On the whole, it did not appear to him that it would be wrong to renew the Bill for one year. If the Clause were struck out, there would be great difficulty in carrying on the prosecution against secret illegal societies.

Sir *James Graham* remarked, that they all seemed agreed upon the necessity of putting down unlawful societies, an object which in Ireland must always be one of paramount national importance. This object was brought under the consideration of the late Government. They assiduously applied themselves to the suppression of illegal oaths and associations; and the right hon. Gentleman the Member for Clonmel, the Irish legal adviser of that administration, originally introduced the present measure. He was quite satisfied that the Clause under discussion was in fact the essence of the measure, and that if it was not passed, all the rest of the Bill would be useless. What did the Clause propose to do? It threw the onus of proof, under certain safeguards, upon the party accused. This was certainly liable to abuse, and he admitted that the executive, in administering this Act of Parliament, must proceed with the utmost caution and suspicion with respect to any accusations made under it. But having made these admissions, he did not see how they could prosecute for the crime of being a member of an illegal society, unless the possession of a secret pass-word should be *primâ facie* evidence against the accused—saving always the necessity on the part of the accuser of proving a guilty knowledge. Now, to this extent the onus lay on the accuser. The possession was *primâ facie* evidence. That again was counterbalanced by the necessity of proving that the possession arose from knowledge, not from accident. He had deeply deliberated upon the subject. His prepossessions were strong against the enactment, and if unlawful societies did not exist, and in great numbers, in Ireland, he would be inclined to let the measure drop. Such societies, however, did exist. He intreated the House, then, not hastily to reject the measure. If it were proposed to make it of long duration, he should not be disposed to treat it as he now thought that, under present circumstances, it should be received. The proposal now before the House was, that the Bill should only continue until the 31st of August of next year. As the object then proposed to be attained by the measure was common to both sides of the House, and as it would be defeated were any material alteration to be made to the Clause under discussion, he hoped the Committee would come to an unanimous decision in its favour.

Mr. *M. O'Ferrall:* If it were not that the fact was notorious that those passes were attached to the persons of men without their knowledge, he should, if he were on a jury, have great difficulty in saying that a man was innocent upon whose person they were found. He believed the necessity for such a Bill was now less than ever, for when the public mind was strongly excited by great national questions, those secret societies ceased. He moved that the Chairman do leave the Chair.

Mr. *Sheil:* Having such a document on a man's person was by this Bill made a crime; whereas it should only be taken as evidence that he belonged to an illegal society. The practices alluded to, as adopted by some policemen in Ireland, was nothing new; it was as old as Benjamin's cup. He admitted that those illegal societies were the curse of the country, whether they belonged to one party or the other; but that was no reason for confounding the plainest principles of jurisprudence.

Colonel *Rawdon* could not consent to place any further responsibility in the hands of the Attorney General for Ireland after the way in which he had acted with regard to the juries.

The Committee was about to divide, when

Sir *R. Peel* hoped the Committee would bear in mind that the effect of carrying this Motion would be to lose the Bill altogether. There was nothing to prevent hon. Gentlemen opposite moving that this clause be expunged at a subsequent stage, though to such a proposal the Government could not consent. He asked for no new powers in the present state of Ireland. His predecessors asked for those powers for five years, whereas he (Sir R. Peel) asked for them but for one.

The Committee divided on the question that the Chairman do leave the Chair—Ayes 40; Noes 58: Majority 18.

List of the AYES.

Aglionby, H. A.
Archbold, R.

Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Brotherton, J.
Busfeild, W.
Curteis, H. B.
Dennistoun, J.
Duncan, G.
Dundas, F.
Esmonde, Sir T.
Fielden, J.
Forster, M.
French, F.
Gore, hon. R.
Greenaway, C.
Hawes, B.
Humphery, Ald.
McTaggart, Sir J.
Morris, D.
Morison, Gen.
O'Brien, J.
O'Connell, M. J.
O'Conor, Don.
Ogle, S. C. H.
Plumridge, Capt.
Power, J.
Rawdon, Col.
Sheil, rt. hn. Sir R. L.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stewart, P. M.
Stuart, W. V.
Strickland, Sir G.
Tancred, H. W.
Thornely, T.
Wallace, R.
Wawn, J. T.
Wyse, T.

TELLERS.

O'Ferrall, R. M.
Norreys, Sir D. J.

List of the NOES.

Ackers, J.
Acland, T. D.
Baird, W.
Baring, hon. W. B.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Bowles, Adm.
Bruce, Lord E.
Buller, Sir J. Y.
Burroughes, H. N.
Cockburn, rt.hn. SirG.
Corry, rt. hon. H.
Darby, G.
Douglas, Sir C. E.
Drummond, H. H.
Eliot, Lord
Escott, B.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Grogan, E.
Hamilton, Lord C.
Harcourt, G. G.
Hayes, Sir E.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Jermyn, Earl
Knatchbull,rt.hn.SirE
Lefroy, A.
Lincoln, Earl of
McGeachy, F. A.
M'Neill, D.
Meynell, Capt.
Milnes, R. M.
Neville, R.
Palmer, G.
Peel, rt. hn. Sir R.
Price, R.
Pringle, A.
Rushbrooke, Col.
Shaw, rt. hon. F.
Smith, rt. hn. T. B. C.
Smollett, A.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Vesey, hon. T.
Vivian, J. E.
Wortley, H. Jas. S.
Wortley, H. Jno. S.
Yorke, H. R.

TELLERS.

Young, J.
Lennox, Lord A.

Bill passed through Committee.

PRISON DISCIPLINE (SCOTLAND) — TRANSPORTATION.] On the Order of the Day for the House to go into Committee on the Prisons (Scotland) Bill,

Mr. *Wallace* observed, that the state of the prisons and of their inmates in a great many of the gaols in Scotland, together with the expense which their maintenance occasioned to the inhabitants, had given rise to a very general feeling with respect to the expediency of persevering in the system of confinement recently introduced into that country under the Prisons Regulation Bill. His object in rising at the present moment was to put a question to the right hon. Baronet the Home Secretary, of which he had given notice on a former evening, and he hoped he should receive a reply to his inquiry, which related to certain prisoners now under sentence of transportation in the gaols in Scotland, who were, owing to the rigorous treatment enforced upon them under the new system, reduced to such a state of weakness and debility as to render it impossible for the authorities to carry the sentences passed upon them into effect. He understood that in the gaol of Glasgow there were nineteen or twenty persons in this condition, that there were, likewise, a number of prisoners in the gaol of Perth; in the town gaol of Dumbartonshire; and that in the prisons in various other parts of Scotland the same facts were observed. He could not refrain from characterizing that as a very bad system of prison discipline, the operation of which destroyed the health of those confined, even before they were put upon their trial. His objection to the new system of prison discipline was founded on his belief that it was an impracticable absurdity. Long imprisonment had never, to his knowledge, been productive of good to the culprit. If it had been found that placing persons in confinement for a long period after they had been in a course of training for crime during many years had reformed those so confined, then it might, perhaps, be admitted that the system of gaol reformation was good; but it never had succeeded in adult cases. In the instances of very young persons alone it might be productive of good effects; but these were not the class of prisoners upon whom the prison discipline was tried. It had been resorted to in the case of persons who had been for years in the habitual commission of crime, and who no sooner were liberated from prison than they were detected in a new crime, and again placed in confinement. The people of Scotland were taxed very heavily, and contributed large sums towards the support of these reformatory prisons; but the only result that had been observed was the thriving condition of the official persons connected with them, to whom large salaries were paid for their services. In short, his opinion, and not his alone, but that of a very numerous class, was, that as far as Scotland was concerned the whole system of prison discipline had nearly, if not entirely, failed. The question which he had to put, was whether the right hon. Baronet were aware that in the gaol of Glasgow there were any persons confined who were in such a state of debility as to render it impossible to carry into effect the sentence of transportation which had been passed upon them.

Sir *J. Graham* did not think the present was the fittest opportunity for discussing the important question whether the system of prison discipline now enforced in the prisons of Great Britain was the best that could be devised or not. His experience of the system as it was in operation at Pentonville and Parkhurst, had led him to the conclusion, that it was on the whole highly conducive to the amelioration of those persons who had been placed there to undergo its effects. The system had been expressly limited to those two prisons, with a view to ascertain its results before it was applied on a larger scale throughout England. His hon. and learned Friend the Lord Advocate, who was a Member of the Prison Board of Scotland, took the same view that he did with respect to the successful operation of the system in that country, and he was prepared to state to the House his belief, that the experiment was not proved to be a failure, but that on the whole it had been attended with success. Passing on to answer the hon. Member's question, the House must not misunderstand the point, nor be led to attribute the state of health of the prisoners whose confinement in gaol was the subject of the complaint of the hon. Gentleman, to the length of imprisonment which they had endured, for the fact was, that these were all recent cases of confinement, and the bodily condition of the prisoners previous to their conviction was such as not to enable them to undergo their sentence of transportation. This state of things was not peculiar to Scotland: it was common to every prison throughout the kingdom, and in those instances where prisoners were found unable to endure transportation, an humble Address was presented to Her Majesty representing the facts, and the result was, a commutation of the former sentence into one of imprisonment in lieu of transportation. In the absence of any such circumstances, he uniformly advised the Crown to carry the sentence of transportation into effect. He thought that punishment was a salutary one; indeed, he considered it the best secondary punishment that could be devised. He had no such very great confidence in the benefits resulting from the reformatory system of imprisonment. Considering the redundance of labour in every branch of employment, he did not look upon those who were discharged from prison and thrown upon the labour-market as able to compete with the honest unpolluted labourer, and by force of this and other adverse circumstances they were in a great number of cases thrown back upon their former associates and habits, and tempted again to resort to the commission of crime. For these reasons he considered he had performed his duty to society by recommending that the sentence of transportation be carried in most of the cases of convicts into effect confined even at Pentonville. With respect to the cases to which the hon. Member for Greenock referred, they formed exceptions to the rule, nor was it possible to carry the original sentence of transportation passed upon those prisoners into effect on account of the diseases with which those convicts were infected. The consequence was, the commutation of their sentence into one of imprisonment. That imprisonment must necessarily be enforced in the county gaol where the culprit was tried, and the cost of his support in prison likewise must be borne by the county. He was bound at the same time to admit that the number of prisoners so circumstanced was considerable in Scotland as it likewise was in England, and the number was on the increase. This was not a new evil; on the contrary, it had long thrown on the county-rates in both countries a very considerable charge in the cost incurred for the maintenance of these prisoners. It was a subject to which the attention of the Government ought to be directed; and he could assure the hon. Gentleman that he would not fail to give it his best consideration.

Bill passed through Committee.

House adjourned at a quarter past 8 o'clock.

HOUSE OF LORDS,

Tuesday, July 2, 1844.

MINUTES.] BILLS. *Public.*—2ª· Salmon Fisheries (Scotland).

3ª· and passed:—Sugar Duties.

Private.—1ª· Kingston-upon-Hull Docks.

Reported.—Rochdale Improvement; Garnkirk, Glasgow, and Coatbridge Railway.

3ª· and passed:—Hythe Landing Place (Hants); Liverpool Docks; Willenhall Chapel (Fisher's) Estate.

PETITIONS PRESENTED. From Paisley, and several other places, against the Dissenters Chapels Bill.—From Abergivessin, and a great number of other places, for Protection to Agriculture. — From Planters, Merchants, and others interested in rhe West India Colonies, against the Reduction of Duty on Sugar.

Corn Laws.] The Earl of *Radnor* rose to present a Petition from the Parish of Lyneham, for a repeal of the Corn Laws. He believed that Petitions of a contrary nature had very frequently been got up by means that appeared to him to be altogether unfair, and that signatures to such Petitions had been procured in an improper and oppressive manner. No such objection could be urged against the Petition which he was about to present. One of those tracts that were sent forth by the Association with which the noble Duke on the cross-bench was connected had been disseminated for some time through the district from which this Petition came. He did not know whether it was the same tract to which he had referred on a former occasion, and which he still considered to be a most dishonest production, but it came from the same source. It did not, however, produce the effect that was expected from it, but directly the reverse. A meeting took place of farmers and agricultural labourers, at which a resolution was passed condemnatory of the Corn Laws, and a Petition, founded on it, and praying for their Repeal, was agreed to. That Petition he now presented. The meeting, which he understood was numerously attended, was conducted in the most regular manner. Everything was conducted with propriety, and no violent or irritating language had been used. [The noble Earl also moved for a return of the quantities of wheat sold in each week of the year 1843.]

Lord *Methuen* thought it only right to state, that his noble Friend was only doing justice to the conduct of the people who had attended this meeting when he described it as having been decorous and proper. The parties who assembled on that occasion did not indulge in any angry, violent, or vituperative language.

The Duke of *Richmond,* having been alluded to by his noble Friend, could not allow that opportunity to pass without making some observations. His noble Friend had stated that Petitions in favour of Agricultural Protection were frequently got up in an oppressive manner. He (the Duke of Richmond) need scarcely state, that he was not aware of any such proceeding, and he should very much regret if any improper means were resorted to for the purpose of procuring Petitions. It appeared to him, that the best way of procuring Petitions in favour of agriculture was to let the people read and duly consider the pamphlets to which his noble Friend had referred, and to the reasoning of which he so strongly objected. No one could mark what was going forward on this subject, and not observe that the only object to the Anti-Corn-Law League, however they might attempt to conceal it, was to lower wages—to lower the wages of the people at large; agricultural labourers as well as others. He confessed that he had a great respect for the agricultural labourers; and he was very glad to hear that their language at the meeting to which his noble Friend had referred was not directed against the landlord. They had, in taking this moderate course, shown a good example to the Anti-Corn-Law League; and he hoped that those who were at the head of that body would follow it: but hitherto their meetings had exhibited no exceptions of that kind. With respect to Mr. Cayley's pamphlet, which continued to excite so much of his noble Friend's indignation, he must say, that his noble Friend had done more than any one else towards its general dissemination; for, in consequence of the speech which, on a former occasion, his noble Friend had made against it, that production had acquired an immense sale. Until his noble Friend had made that speech, denouncing the pamphlet, its existence was but little known, but, since that, it had sold amazingly—it had been distributed through all parts of the country, and had gained many converts. It was not necessary for him, at the present moment, to say much on the subject of the Corn-Laws. When that question was regularly brought forward he would be ready to state his opinions at length. His noble Friend had thought proper to advert to the Agricultural Protection Society. Now, it should be well observed, that that body never would have existed but for the proceedings of the Anti-Corn-Law League. It was the mischievous declamations indulged in by their paid lectures and agents—it was the conduct pursued by demagogues employed by them throughout the country, that gave rise to the Agricultural Association. Men went about inflaming the passions of the people, and declaring that this was not a tenant's question, but a landlord's question, and falsely asserting that the tenants of England were in favour of no protection being extended to agriculture. What was the consequence? Why, the consequence was that the tenants, that most respectable and intelligent body, came forward and gave a most decided denial to these assertions; and Agricultural Associations sprang up in every part of the country. He hoped they would continue to do so, he hoped they would never relax their efforts until the Anti-Corn Law League was entirely put down. He believed that they were, even now, nearly put down. They had found that interfering with elections was a very expensive and by no means a very profitable employment. There was another thing that made them quiet just now: demagogues were always quiet when Parliament met, because they were afraid of having their fallacies exposed; but he had no doubt we should have an autumn campaign, and he hoped the Protection Societies would continue what they were doing, and in a fair fight between them, he did not fear the result. His noble Friend would be the last man in the world to get persons to sign Petitions against their inclination, but the truth was, that his noble Friend was kind to the labourers in his neighbourhood, as he was to every one, and they hearing that he had a strong impression on this subject, naturally came forward and petitioned in his way, without deeply examining the subject, and he had no doubt if his noble Friend would send them the pamphlet he had referred to, he would next year have to present a Petition stating that they had changed their mind when they were once convinced that what the Anti-Corn Law League meant by a free-trade in corn was only another mode of expressing low wages.

The Earl of *Radnor* said, that instead of being sorry that the Protection Societies had put forth tracts, he was, on the contrary, glad that they had, because he was of opinion that when a measure of importance was brought under consideration, canvassing by the means of fair argument was the only way of arriving at the truth—and if the Protection Societies had published fair pamphlets he should be the last man to complain. He repeated now what he had stated on a former occasion, that the pamphlet which his noble Friend had now adopted was the most discreditable book that he (the Earl of Radnor) had ever read, inasmuch as it falsified facts, misquoted authorities, and perverted the arguments which the author professed to be quoted had laid down.

The Duke of *Cleveland* said, that the noble Earl had called this pamphlet a very discreditable production. He (the Duke of Cleveland) must say, that before he was acquainted with its contents he had no hesitation in allowing his name to be affixed to it, from his confidence in the author, whose opinions on the subject, he knew, were the same as his own. He should say that sending a begging-box to every market-town to collect money, which was afterwards spent in unlawful practices, was quite as discreditable as anything which the noble Earl could find in that pamphlet. If the noble Earl wished to bring forward a discussion on this subject, let him do so manfully at once. The noble Earl was a thorough free-trader; let him bring the subject before the House and take the sense of their Lordships upon it. He (the Duke of Cleveland) would only say that whenever the noble Earl did so, his noble Friend near him (the Duke of Richmond) would be ready to meet him, and he (the Duke of Cleveland) would also be ready with all his humble ability to assist him. He only wished that the noble Earl would give them a fair fight, and a speedy opportunity.

The Earl of *Stradbroke* said, that the noble Earl had told the House that Petitions had been presented signed by labourers, whose signatures had been affixed in consequence of the exercise of some arbitrary authority. He thought that the noble Earl should inform the House when these Petitions were presented, and where they came from. He often heard charges made in Parliament against the agricultural interest, which, when they came to be sifted, were discovered to have no foundation whatever. It was well known that when the labourer was well paid, the price of corn was high. For the last thirty years, the amount of wages had always been regulated by the price of corn. It was impossible for any man with a regard to truth to deny that position. With regard to the fires which had recently taken place, he certainly regarded them as a disgrace to the country. These fires were very prevalent in the year 1822, which was a year of distress throughout the country, in consequence of the low price of corn; and he thought that the late fires had been occasioned by the deficient harvest of last year, and the consequent want of employment which it had produced.

The Duke of *Beaufort* said, that from what he had heard, he concurred with the noble Lord (Lord Methuen) as to the orderly manner in which the proceedings at this meeting had been conducted.

Lord *Ashburton* said, that he hoped the House would permit him to say a word or two on this theory of his noble Friend, that the price of wages followed the price of food. The principle was perfectly true that the price of wages was dependent on the demand for labour—but if that demand for labour was so redundant as it was in this country, the labourer would be reduced to that amount of wages which would keep him alive, and then undoubtedly the price of labour would fall with the price of corn. This was a misfortune that none of them could avoid. That was, unfortunately, the condition of this country, and of the greater part of Europe. That was the condition of Northern Germany, of many parts of France, of Switzerland, and of Italy, still more. It was the condition of almost every part of the civilised world, excepting the Russian empire and the United States. If on the other hand there were scarcity of labour, the noble Earl's rule, that wages did not depend upon the price of food, would apply.

The Earl of *Radnor* maintained that the price of labour was entirely dependent upon the price of food until the condition of the labourer was so bad that that amount of remuneration could not be obtained without which he must die. Until that point was reached, the wages of labour only depended upon the demand.

Lord *Ashburton* said, that the noble Earl, by his principle of allowing the farmer to procure labour for as low a rate of wages as he could, would be justified in seeing the labourer all but starved before he interfered to raise the price of corn. That was not the case of the agricultural labourers of this country, not because there was not a redundancy of labour sufficient to produce that result, but because the farmers and country gentlemen, from motives of consideration and charity, gave higher wages than they could otherwise procure labour for.

The Earl of *Radnor* said, the noble Lord had in the latter part of his speech answered the former. Wages were the price of labour, and if you gave more you might call it wages, but the surplus was, in reality, charity. His noble Friend might choose to pay a servant 60*l.* a-year, although he could get one for 40*l.* So, if a farmer choose to pay eight or nine shillings a-week, although he could get labour for six shillings, that was not eight or nine shillings wages, but six shillings wages and two or three shillings charity.

Lord *Beaumont* said, the history of wages was simply this, undoubtedly amongst agricultural labourers the wages of labour depended entirely upon the demand for labour—the demand for labour depended upon the quantity of land in cultivation—that quantity of land in cultivation depended upon the remuneration obtained by the farmer; and the remuneration of the farmer was, in other words, the price of corn; and thus, in fact, the price of corn did regulate the amount of wages. It must be admitted that the demand for labour depended upon the quantity of land in cultivation [*Cries of* "No, no"]. If noble Lords denied this, they introduced a totally new theory, altogether different from anything he heard before.

Return Ordered.

SUGAR DUTIES.] The Earl of *Dalhousie* moved the third reading of the Sugar Duties Bill. In asking their Lordships to give a third reading to a Bill for making certain alterations in the duties on sugar, it became his duty to state to their Lordships the objects of that measure, and the reasons on which it was founded. Their Lordships were aware that the duties which were imposed on the importation of sugar were not imposed by virtue of the Acts which imposed duties on other articles imported into this country, but that they were imposed by an Act which was annually renewed. The Bill which he now had the honour of submitting to the House, was one, however, of a very different nature from those which usually came before Parliament during every Session in relation to the Sugar Duties, for it proposed to introduce considerable alterations into the law as regarded the importation of sugar—not only as regarded the foreign countries from which the importation of sugar was admissible, but also with respect to the rates of duty at which it should be admitted in this. It was unnecessary for him on that occasion to remind their Lordships of the extreme importance of the article which was the subject of this Bill—of the immense and valuable tracts of territory devoted to its cultivation—to the enormous amount of capital involved in its production—or of the number of persons employed in connexion with that production. Their Lordships were all well aware, that these were of such an extent as must at all times afford matter deserving of the gravest consideration of Parliament. It would be superfluous for him to direct the attention of their Lordships to the importance of the subject, by stating how largely it entered into the consumption of all classes, from the highest to the lowest; indeed it was an article of such common use that it could no longer be looked upon as a mere article of luxury, for it was now an article of the first necessity. No noble Lord, he thought, would dispute the proposition that it was most important that an article of such general use should be provided for the people of this country in a sufficient and abundant quantity, and that it should be furnished at such reasonable and moderate rates, as should place it within the reach, not merely of the rich and middling classes, but of that large portion of the population to whom the smallest enhancement in the price, would amount almost to a deprivation, by checking amongst them the use of this necessary of life. Until within the last ten years, this desirable object of an abundant supply and at a reasonable rate, had accomplished itself: the produce of our own possessions had not only been enough for our own wants but also enough to allow of a considerable export to other countries. It also had been provided at a reasonable price. In 1833, however, the Parliament passed the measure for emancipating the slave population in the West Indies, and the consequence of that measure, and the abrupt termination of the system of apprenticeship in those Colonies had diminished considerably the quantity of sugar produced in the West Indies, and of course enhanced the price. Their Lordships would have an idea of the diminution in the production of sugar in the West Indies, when he stated that in the three years from 1830 to 1832, both inclusive, the average supply was 3,900,000 cwts.; and in the three years from 1841 to 1843 inclusive, the average supply from the same quarter was not 3,900,000 but 2,300,000 cwts., showing a very great diminution. He knew it would be said, by noble Lords opposite, that although the quantity of sugar from the West Indies had diminished, the quantity from other portions of the British territory had increased. It was true that the quantity of sugar produced in other parts of the British territories had increased, but that increase had not been sufficient to make up for the decrease which had taken place in the West-Indian produce. In three years, from 1830 to 1832 inclusive, the aggregate quantity of sugar which had come from all portions of British territories was 4,600,000 cwts. whilst in the three years, from 1841 to 1843 inclusive, the aggregate amount of sugar imported from British territories was but 4,100,000 cwts., showing a diminution of not less than 500,000 cwts., and proving that the increase in the production of sugar in other British possessions was not sufficient to make up for the diminution in the production of sugar in the West Indies. Then, with regard to the price, in the three years from 1830 to 1832 the price of sugar was 25*s.* 3*d.* per cwt., whilst in the three years from 1841 to 1843, it was 36*s.* 9¾*d.* per cwt. The average price of sugar up to June in the present year was 35*s.* 11¾*d.* whilst for the same months last year it was but 33*s.* 3¼*d.*; and although since the announcement of the present measure, by the Government, there had been a slight diminution of price, it was now 34*s.* 4½*d.* He did not wish to impress their Lordships with the idea that there was any prospect of an immediate scarcity of this article, but when they found a great diminution in the supply from one quarter, while the supply from other quarters did not compensate that diminution; when they found the supply of the past year, certainly no greater than the average of the years he had stated, and the consumption treading so closely on the heels of the supply, that former was 202,000 tons, whilst the latter was 204,000 tons; and when they could see no better prospect with regard to future supply and price; they would at once see that it was the duty of the Government and the Legislature to see whether or not a measure could be devised, by which they might prevent so great an inconvenience, if not so great a calamity, to both producer and consumer, as a short supply and an enhanced price. He admitted that the West-India planters were in an unusual position, and were fairly entitled to protection; but there was another class also entitled to consideration — the consuming population of this country. That class had been burthened with the payment of no less than 20,000,000*l.* for compensation to the planters, in consequence of the passing of the Bill for emancipating the negroes in the West Indies; but that was not all the pecuniary burthen imposed on them. The average price of sugar during the last three years as compared with the three years before emancipation was 36*s.* to 25*s.*; an increase of 46 per cent. on the price of the article. Taking all these circumstances into consideration,—the gradually diminishing supply, without the prospect of an increased supply for the future, considering the great enhancement there had been in the price, it was their duty, not only to the consumer but also to the producer, by some means to relieve the market lest by deficient supply, an enhancement of price might be produced which would place in jeopardy that fair share of protection to which the West-Indians were entitled. These were the general grounds on which the Government had introduced the present measure, and he thought these grounds ought to convince their Lordships of the necessity for the introduction of such a Bill. He would now state the amount of duties now existing, and those proposed to be levied under this Bill. At present there was imposed on all foreign sugar a duty of 63*s*. per cwt.; and on all British sugar from the West Indies, the East Indies and the Mauritius, a duty of 24*s*. and 5 per cent. The Bill he now introduced to their Lordships' attention proposed to leave the duties on British sugars at 24*s*. per cwt. with 5 per cent. as at present; but with respect to foreign sugars, it made an important alteration both with respect to the descriptions introduced, and the rates at which they were to be received into the British market. By one of the Clauses of this Bill it was proposed that the sugars of China, Java and Manilla, being the produce of free-labour, should be admitted to consumption at a duty of 34*s*. with the addition of 5 per cent.; it further gave to the Queen in Council the power of admitting sugars from other foreign countries, if satisfied that they were the produce of free labour; and there was also a Clause enabling the Queen in Council to extend the operation of the Act to those other countries with which we had reciprocity treaties if required to do so. These were the principal provisions of the Bill. He was not sanguine enough to suppose that the measure which was now before their Lordships would not meet with any objection; he believed that it would be objected to, and he could, from what he had already heard, anticipate some of the objections. He believed it would be urged by noble Lords opposite that the principle of making a distinction in this measure between slave-grown sugar, and sugar the produce of free labour was an unsound principle, and one which ought not to be recognised, as the article of sugar ought to be regulated, like other articles, according to the general principles of trade. Now, in answer to that objection he (the Earl of Dalhousie) was prepared to contend that the article of sugar was not one, which, under existing circumstances, ought to be confined merely to financial or commercial views alone, but that both from the peculiarity of the position in which it had been placed, and from the uniform course this country had adopted with reference to slavery, it could not be regulated without reference to the general considerations of national policy. Having placed the Colonists in difficulties by the course of legislation they had pursued, it would be an act of the grossest impolicy and injustice to sanction the free admission of the cheap sugar of slave-labour countries on the same terms with sugar the produce of free labour; and he could adduce in support of that view the opinion of Mr. Deacon Hume, who said that Colonies ought to be on an equality in all respects with other countries, in order to have a fair competition, but that in such a case as this they were out of the category of free trade. It was, in fact, impossible for the warmest supporter of the doctrines of protection, or indeed of prohibition, to have given a stronger opinion than that, and it was an opinion which was fully coincided in by the right hon. the President of the Board of Trade during the period when noble Lords opposite were in office. On the occasion of a discussion upon the subject, when the last Government were in office, the President of the Board of Trade said,

> "He believed that the people of this country required that the great experiment they had undertaken should be fairly tried, and he was satisfied it would not be fairly tried, if, at the moment when the Colonies were struggling against the difficulties he described, they opened the flood-gates and inundated the British market with sugar the produce of slave labour."

He (the Earl of Dalhousie) would therefore maintain that this was not a question which ought to be regulated solely by the principles of trade, without any other consideration. If there was any question on which this country had given a distinct and deliberate opinion—if there was one point on which it had unequivocally declared its mind and will—it was that it would in no degree countenance the existence, or give encouragement to the continuance, of slavery, but on the contrary, would adopt every practicable measure for its discouragement and suppression. This had been their constant policy from the abolition of the Slave Trade forty years ago, till emancipation was effected in 1833, and the whole course of their legislation up to last year undeviatingly aimed at the same objects. In 1841, the country did deliberately and most unequivocally declare their disapproval of the plan which was then broached for the admission of slave-labour sugar; and he was not surprised at the fact; because if they opened the British market to the sugar of slave-labour countries, they would enhance its price and extend its cultivation, and thus, not merely increase the rigours of slavery where it already existed, but tend inevitably and directly to renew all the horrors of the Slave Trade itself. How, then, was it possible that Parliament could adopt such a course without exhibiting themselves to the world in the attitude of pretending to menace the very existence of slavery with the one hand, while with the other they held out a bribe, and a very rich one, to its continuance? When the subject was before the House four years ago, the right hon. Gentleman, who was then President of the Board of Trade, expressed sentiments in perfect accordance with the views which he (the Earl of Dalhousie) had expressed: he said, "the question which he had to ask himself was, whether he would this year consent to give such a stimulus to slave labour in the Brazils, and other countries where slaves were employed, as would be produced by throwing open the market of this country to the reception of their sugar: He owned he was not able to make up his mind that that was a course which he ought to recommend to the House: he did not believe that it would be agreeable to their constituents, when they came to understand all the facts of the case." Those were the opinions which were expressed four years ago by the then President of the Board of Trade, with respect to the introduction of slave-grown sugar. Were he now moving their Lordships to agree to the second reading of the Bill, he should not trouble them any further; but, considering the short period that remained before the present Act would expire, the Bill had been allowed to reach its last stage, and, therefore, he did not feel justified in leaving any part of the measure undefended. It had been said that by the provisions of this Bill the Government did not attain the object in view, or act upon the principle it professed to go upon; that is, that in some of the countries where the sugar is considered as free grown the labourers are not entirely free. But in Manilla slavery did not exist, and in China, although a species of slavery existed, it was purely of a domestic character, and had not any reference to agricultural labour. With respect to Java, he could speak even more positively; he had not any hesitation in saying that in the system of labour in Java, there was not a shadow of ground for asserting there was any degree of slavery. It was true that there was a certain amount of connection between the labourer and the soil; but that was entirely a matter of contract; the labourers did as they liked, and could leave the land if they performed their duty to the owner of the land according to the terms of the contract. But it was said that by one of the provisions of the Bill, from the 10th November, sugar, the produce of the United States of America, where slavery existed, would be admissible; but he was prepared to show that such sugar would not come to this country, for there would be no inducement to bring it. The tracts of land in the United States adapted to the growth of sugar were limited; they were in Louisiana, within two degrees of latitude; the crop was a most precarious one, and the supply was not sufficient for the wants of the country itself. The utmost amount grown was 50,000 tons, whereas America imported 150,000 tons over and above that amount, and there could be no inducement to raise sugar in Louisiana, for exportation to this country. He found that during the years, from 1831 to 1843, the price of that quality of sugar which could come into competition with our own, was 35*s.* 4*d.*, whilst the price at New York, by the latest advices, was 33*s.* 10*d.* It was impossible if, during ten years, the price of Louisiana sugar was 35*s.* 4*d.*, and was now 33*s.* 10*d.* that any individual could have any object in bringing that sugar here. At New Orleans the price of sugar during the last ten years was 26*s.* 2*d.*, and if the duty and freight and charges were added, it was impossible considering what had been the price of sugar here for the last few years, that it could come into competition with our Colonial sugar. But it was argued that if United States sugar would not come, Brazilian and Cuba sugars would be imported into the United States and from thence exported here as free American sugar, and we should then be after all encouraging slave labour — he would reply, that he felt full confidence in the precautions which the Bill took against the introduction of any surreptitious produce in this way. In the first place, there was the system of certificates of origin, and he did not see why the certificates of consuls should not afford as effectual a protection in this case as it had in others. But this was not the only protection; the quality of the sugar would of itself be a protection; for the sugar of Cuba is different from that of the United States. There was another protection, in the mode of packing; for, whilst the sugar from the West Indies and the United States was in hogsheads, that from Cuba was in boxes. Moreover, there did not exist in New Orleans any bonding warehouses, and the duty upon foreign imported sugar must be paid on landing. It was true, a drawback was allowed, but only where the article was exported in the same package in which it had been brought, which in the case of Cuba sugar could not be done for this market; so that these marks and guarantees, coupled with the certificates of the Consuls, afforded a sufficient protection against the substitution of Brazilian sugar for that of the United States. Then it was said that the protection to the West-Indian interest was insufficient. It was proposed by the Bill to give a protection of 10*s*. per cwt. The prices of Java and Manilla sugar ranged upon an average about 20*s*.; the protection to the West-India sugars, therefore, was 50 per cent. upon the value of the sugar. Now, no person could say that a protection of 50 per cent. upon the value of the article was an insufficient protection. It was true the fall from 63*s*. to 34*s*. was great; but 63*s*. was a prohibitory duty, acted upon as such and meant to be such. If a monopoly was not to be maintained, what was the amount of protection which should be given? Only two years ago, upon the introduction of the measure of the Tariff, certain principles were laid down as the standard for the imposition of duties, and it was resolved and acted upon, that, generally speaking, the largest amount of duty levied on articles fully manufactured should be 20 per cent. If, then, the general principle was, that no more than 20 per cent. should be imposed on articles fully manufactured, surely by a protecting duty of 50 per cent. on the value of the article, the West-India colonists had a just consideration shown to them. He submitted to their Lordships that 10*s*. was a sufficient protection, and, it being utterly impossible any longer to maintain the monopoly, considering the state of supply and the enhancement of prices, the Government had done the best for the consumer, and pursued the safest course for the producer. It was said, that if the Government opened this question at all, they should have concluded it; but it was utterly impossible for the Government to have done so. He would remind their Lordships that in the course of next year the law imposing the Income Tax would expire; it would then be necessary for the Government and for Parliament to review the whole of the financial condition of the country; and, for the more effectual performance of this duty, it would be desirable, that the changes operated by the Tariff should have had as full a development as possible, and that the effect of the alteration of the other duties, should be fully tested. Were the Sugar Duties definitively settled now, the Government would be placed in a very different position when they came to the consideration of the financial condition of the country, on the expiration of the Income Tax Act, than they would be if their Lordships assented to the proposed arrangement. Then it was said, "If you are not prepared to settle the question of the Sugar Duties finally, you should have left it altogether till next year." But such a course would have been extremely unadvisable. In altering the Sugar Duties it was necessary that notice should be given by Parliament of some of the principles upon which it was intended to legislate. If there had not been such notice to foreign countries, whatever alternative Parliament might have adopted with regard to the Sugar Duties next year, it would have placed the consumer in a position of great inconvenience. He had now noticed the main objections to the measure. It was unnecessary for him to assure their Lordships that this question, being of infinite importance, had from the first received the most anxious and careful consideration of the Government, and he trusted that their Lordships would be of opinion that in adopting the present course with respect to the Sugar Duties, they had acted upon the whole as was best for the consumer of sugar in this country, for the producer of sugar in the Colonies, and for the interests of the revenue. He would now move that the Bill be read a third time.

Lord *Monteagle* said, a more clear and satisfactory statement of a complicated question he thought it was impossible to have made to their Lordships than that of the noble Earl. He (Lord Monteagle) had no objection to make to the general principles laid down by the noble Earl, nor to his estimate of the importance of the question to the commerce and the revenue of the country. It was not upon general statements and general principles, but upon the mode in which those principles to the present question, that the noble Earl and he were at issue. Before he approached the subject, he must state that he differed from the noble Earl as to the justification which he had offered on behalf of the Government for bringing forward the present Bill, and as to the description he had given of its enactments. It was a measure involving questions of a peculiar character, containing within itself elements entirely repugnant to the broad principles on which it was said to be founded, and involving infinite confusion, contradictions, and incongruities. In the first place, the Government admitted it to be only an imperfect, a temporary measure, and spoke of the trade in this important article as being in a transition state. Now he objected to this transition state legislation as being most unjust to all the great interests concerned, and, above all, most unjust to the West-India planters. When he, a few nights ago, asked their Lordships to assent to a Motion for inquiry into the state of our imports, it was objected that the tendency of such inquiries was to unsettle the minds of men engaged in commerce, and thereby to check commerce itself, in all its contracts and its speculations. If such were the consequences anticipated from a mere inquiry into a particular subject, how much greater must be the evil to be apprehended from a declaration on the part of the Government itself that introduced a measure like this, not as a final settlement of a great question, but merely as a sort of stop-gap until something further could be done, and by way of giving notice to all parties engaged in this great branch of commerce to hold themselves in readiness for other changes which the Government had in contemplation, but of the nature of which they did not choose to give any intimation. For his own part, he could not conceive a mode of proceeding more calculated to injure an interest already unhappily depressed. At all events, Government ought to have stated the principle of what they intended to do, so that people might have some notion what they were to expect, or what they were to do hereafter. They might thus form some notion whether they might form any plans at all, or act upon them under such circumstances. The first objection to the principle of this particular measure was, that he believed, for the first time we were called upon to make our legislation fluctuate with and depend upon the morals and laws of other countries; a most unsafe principle; and he objected to this all the more, because the Bill, upon matters so perfectly indefinite and precarious, left to the Executive Government the power of acting without the control or even the knowledge of Parliament. If the measure set forth that, under given circumstances, in definable and definite contingencies, the Government should be empowered to take a specific step, that might be another thing; but here all was uncertain and vague, all was left to the control, the caprice, the unchecked will and the uncertain opinions of the Government. Thus, the principle was, that no slave-grown sugar should be admitted under any circumstances; but the noble Earl had already shown of what modifications this principle might be rendered susceptible, if Government were left to its own discretion. China, he admitted, held slaves; but then, said the noble Lord, these slaves are not the slaves contemplated by the Bill; they are only domestic slaves, having nothing to do with the growth of sugar. Perhaps not; but what security had we that this would continue to be the case? What control had we over the morals and laws of China? Again, the noble Earl admitted that in Java, too, there were slaves, though he spoke of them as merely persons connected with the land, as bound by a species of slavery which did not come within the category contemplated by the present Bill. This was the admission of another modification, and it was impossible to say how far these modifications might be carried in practice; for the matter to be left to the discretion of the Government was not one of fact, but one of opinion; the Government being at full liberty, as it would seem, to decide exactly what quantum of slavery, what number of slaves, as compared with the population, what extent of slave-labour, the Act intended should operate as prohibiting us from admitting the sugar of a particular state. The interests of a large and important class of merchants, the value of the property of our colonists, the stocks of sugar in the hands of our traders at home, surely ought not to be trifled with by such vague, utterly indefinite plans as this. The Government ought at all events to have been enabled to say decidedly what countries should, and what countries should not, supply us with sugar; they ought to have been prepared with the fullest and clearest information to satisfy the House why such and such countries were accepted or were rejected as producers of the article for our consumption. Was Siam, for instance, to be allowed to send us sugar? Surely Government ought to be able at once to answer the question. As to Java, they had the undeniable testimony of Sir Stamford Raffles, that in 1814, at all events, there were no fewer than 27,000 slaves in that island. We know that in China there was a distinct code of laws applicable to slaves; but it was said, that was not a species of domestic slavery, not of a predial character nor applicable to the cultivation of the cane; their Lordships were called upon to legislate, with regard to China and Java, upon that hypothesis. But, might not those countries alter their law of slavery? There was nothing to prevent a change of laws in the two countries; and suppose we made it profitable to them to cultivate sugar by slave-labour, we had no security that the day after the Royal Assent was given to this Bill, slave-labour would not be applied there to the cultivation of cane. And what would the Government say then? He would now reply to the argument with respect to the United States of America. The noble Earl did not state the whole of the question, and to the part which he had omitted he (Lord Monteagle) would now direct the attention of the House. He knew that in America, very sanguine hopes were entertained as to the increase in the cultivation of maple sugar, and also that an experiment was in successful progress for the manufacture of sugar from Indian corn. But on these speculations he would not rely. He was content to refer to cane sugar only, and to assume that the produce of American sugar would remain much as it was at present. The noble Earl said, that much sugar could not come from America, as that was an importing country, and that there was a protective duty on foreign sugar, and also that the planter of Louisiana could get more money for his sugar at New York than he could get in Liverpool; so far the question was one of comparative profit, and it was not to be supposed that the American merchant would send his sugar to a place where he would get a lower price. It was clear that the free importation of sugar from Cuba or the Brazils into the provinces of the United States, would be more profitable than the consumption of the home produce of the United States; for it was in consequence of this, a protective duty of 10*s.* was imposed on foreign sugar. And even, notwithstanding this duty, there was a considerable annual importation of slave-grown sugar into the United States. Under these circumstances, it was not improbable that for the portion of domestic American sugar sent to this country, there might be an equal amount of foreign slave-sugar substituted, and thus for every additional hundred weight of Cuba sugar, which could be brought into the United States, there would be set free for exportation an equivalent in American sugar, and this would be entitled to admission into our markets on the terms of the most favoured nations. But, besides this, could there be any doubt but that this might be aided if a law were passed in the United States similar to the grinding Act in this country, by virtue of which, for every hundred weight of native sugar exported, so much foreign sugar would be allowed to be imported into that country for consumption free of duty. He would ask the House whether it was not a gross piece of folly to legislate in this extravagant way on our estimate of the state of morals in other countries or to suppose we could compel them either to enact or to repeal laws regulating their importation of foreign sugars? You say that a great quantity of sugar will be exported from the United States, because there are laws there for the protection of American produce, and that under those laws foreign sugar is liable to a protecting duty. True; but if it should appear by your proceedings that the removal of this protection would be rendered more profitable to them than its maintenance, the protective duty would be repealed in America as it would be repealed here the moment it was found more profitable to do so. Under these circumstances, he contended that the whole of the American sugar might hereafter be transferred to this country, and its place supplied by sugar from Cuba or the Brazils. It appeared to him that this was a strange species of legislation to adopt, for by it our legislation became dependent upon the legislation of other countries. With respect to another point, he did not differ in any essential points from the statement of Mr. Deacon Hume, which had been quoted by his noble Friend. He had himself admitted, more than once, that until they saw a probable realization of the great experiment which had been tried in the West-India Colonies, the colonists were entitled to protection. He had made a similar declaration in that House to that which had been made in another place by Mr. Labouchere; and, if a Motion was now made for the immediate equalization of the duties on foreign and colonial sugar, he should vote against it. He had shown how one description of sugar might be substituted for another; he contended also that it could be done by a fraud against the Customs Laws. Against this no certificates of origin, or peculiarity of packages, would be any adequate protection, but the noble Earl denied that any thing of the kind could take place. His noble Friend's experience of office had not been of any very long duration; and he seemed to rely upon the restrictions which would be imposed by the Custom-house with all the tender confidence of a bridegroom, and with so much innocent simplicity as to astonish him (Lord Monteagle); he was sure, when the noble Earl had had a little more experience of office, he would find that such regulations could not be depended on to secure the attainment of the object which the noble Earl had in view. The noble Earl depended on the certificate of origin in this Bill, on the same ground that it was to be relied on as the certificate of origin required under his (Lord Monteagle's) Bill for the equalization of East and West-Indian sugar. But the Indian certificate of origin was a very different thing from taking a cargo of sugar before the British Consul at New Orleans for a certificate. Under the Equilization Act every security was taken to secure the prevention of fraud as to the place of growth of the sugar. From the nature of the Company's establishment, the sugar exported was traced and identified from its place of growth. How could this be done in the valley of the Mississippi? The noble Earl said that one description of sugar was made up in a different way from others; for instance, that one kind was packed in hogsheads, while another was sent in boxes; and that they could easily distinguish the one from the other. For his own part, instead of relying upon any such regulations as affording a mode of detection, he should be much more disposed to believe that they would be turned to account by the ingenuity of the smuggler, whose every exertion was constantly in exercise to counteract the best framed regulations of the Chancellor of the Exchequer. He was satisfied that any attempt to carry out practically this part of the Bill would altogether fail. The noble Earl said that when the question of the admission of foreign slave-grown sugar was under discussion a few years ago, the opinion of the people of England was deliberately taken at the hustings, and that they had decided, by a large majority, against it. Now he (Lord Monteagle) denied that the opinion of the people was fairly taken on that subject—he was convinced that if ever there was a case where delusions had been unfairly excited and widely spread, and in which pledges had been as inconsiderately given as they were afterwards inconsiderately broken, and in which every deceit practised on the minds of the people of this country, it was at that time. Did the noble Earl and his Friends venture to rely on the permanance of that support which was thus unfairly obtained. Some of the questions which had been raised on that occasion had subsequently proved marvellously harrassing to Her Majesty's Ministers, and others no less so to their supporters. He did not mean this as an attack on the noble Earl; but when he was told that this question of the sugar duties had been decided by judgment pronounced by the people at the hustings at the last election, he would appeal against that judgment on the ground of misdirection; the charge then given to the jury was an unfair one, and contrary to evidence. Those who committed themselves to certain opinions on that occasion, whereby they had achieved a great political victory over their opponents, were now suffering the consequences of having obtained power under false pretences. But, supposing that the question of slavery was of paramount importance—and no one estimated it more highly than he did—if they relied on the beneficial effects of discriminating duties as enacted in the Bill under consideration ought they not to carry out that principle on all points, and not confine it merely to the question of sugar? If, however, they did so, what would become of the whole of the most important manufactures and branches of trade in this country? Let them look to the cotton-trade, and the tobacco and coffee trades, all which depended upon slave-labour. But they were told, it was true that these articles were the produce of slave-labour, but that they were produced by a species of labour which was not so detrimental to human life, and was not productive of the same extent of suffering which resulted from slave-labour in sugar plantations. This was the case unquestionably, but it was slave-labour still; and there was no doubt that the consumption of such produce stimulated the Slave Trade, and held out inducements to the importation of slaves. Upon various occasions when the subject of slavery was under consideration, it was stated by great Statesmen and by great West-Indian proprietors, that the admission of the articles he had enumerated being the produce of slave-labour must operate as a stimulus to slavery and the Slave Trade. Mr. Huskisson, in 1822, said distinctly that every ounce of cotton raised by slave-labour imported into this country operated as an inducement to the system of slavery. Mr. C. R. Ellis, (now Lord Seaford) expressed an opinion nearly similar to this. But, it is now said in reply—we find all this existing, this we cannot remedy—but we will do nothing to increase it. But they had been increasing it. He recollected that it was not long since that the Government claimed credit—and claimed credit justly for the success which had attended the reduction of the duty on coffee. Let it be remembered that by that reduction, slave-grown coffee was brought into nearer and more extensive competition with our own free colonial coffee. Where was the feeling against slavery when this was done? Had it been entirely exhausted by Lord Sandon and his friends in that memorable discussion of eight nights in the House of Commons upon the united questions of slavery and sugar and a change of Ministry, or had this zeal evaporated on the hustings? Certain it was that since those occasions but little of the feelings at that period so ostentatiously put forward had been exhibited by the Government, and not much more by their supporters. Nay, he would undertake to prove, that if this mighty principle to which the noble Earl, and, according to his statement, the country also stood pledged, were to control their legislation, they ought to reject this Bill altogether; for, while it had not the honesty to deal with the question as the interests of the consumer most required, it covertly and by insinuation made as great an inroad upon that very principle on which it was founded, as if it directly admitted foreign-grown sugar into this country for British consumption. Withdraw the amount of free-trade sugar at present consumed in the other markets of the world, and you cannot fail to create a void in those markets which must be filled up by slave-labour sugar. By that means you do as much to encourage slavery and the Slave Trade as if you had imported directly the same proportion of slave-labour sugar and left the foreign European markets as they were. He would ask, did they really expect to be considered either as practical legislators, or as men of sense or of common integrity, when they supported such an absurd and contradictory system of legislation. In advocating these distinctive duties it should also be remembered they were in truth supporting that which originated, not in any objection to slavery, or to the Slave Trade, because the protective system was anterior to both, but in a desire to protect the British planters—were they not supporting the same principle now, and putting it forward under the disguise, he would almost say the hypocritical disguise, of an abhorence of slavery? But our encouragement to slavery was not confined exclusively in cotton, tobacco, and coffee, it was also to sugar. The greatest portion of Brazilian sugar was paid for in English manufactures, it was conveyed away in English ships, and it was sold by our merchants and consumed in those foreign states to which the balance of our transactions made it our interest to send it. Now, he asked any man of understanding to show him the difference in point of feeling, integrity, and honour, between our taking from Brazil a cargo of sugar grown and manufactured by slaves, and selling that sugar in the St. Petersburg market, or our sending it into the markets of this country directly for our own consumption. Disguise it as they might, was there not some other motive at the bottom of all this folly than any mere hatred to slavery, and a wish to put it down? What did their Lordships think of the argument of the noble Earl against the encouragement of slavery, when they recollected that in the Tariff the Government had largely but most properly reduced the duty on foreign ores? The question of slavery was blinked upon that occasion; though the condition of slaves in mines was, he believed, quite as lamentable as in a sugar plantation; but it was raised now upon the sugar question, because it suited the convenience, or the supposed consistency of noble Lords. If the principle was seriously intended to be acted upon, a Bill of a much more stringent character than the present should be required. In addition, however, to this in 1842 and 1843 there were 2,359,000 cwt. of foreign sugar imported into this country, which was refined here and re-exported to the Colonies for actual consumption. It was thus that we performed this hypocritical farce, talking about slavery, determining to maintain anti-slavery principles, yet proclaiming to all the world through our very statute book that the liberality professed by the Government was entirely local in its nature, and not expansive enough to spread beyond our own European territories. He knew that it was difficult to resort to evidence from former debates bearing on the great points involved in this question as such evidence was constantly supposed to be tinged with party considerations. There was however one unexceptionable witness to whom he would appeal. It should be recollected that the distinction between Colonial and foreign sugar between slave produce and free produce was not now agitated for the first time, and he could refer to the high authority of Lord Glenelg on the subject. He presumed that in referring to his noble and valued Friend, it would be admitted on all sides that a more sincere friend of the abolition of slavery and the Slave Trade, one more honest and more able, did not exist. He was the man above all others who would not have been betrayed into any step countenancing slavery or extending any favour towards it. In 1829 Lord Glenelg, then in the other House, when president of the Board of Trade, brought the following proposition before the Cabinet, and it received the assent of that Cabinet, the only difference between him and his Colleagues being merely as to the time when the proposition should be brought forward as a matter of revenue. The proposition of Lord Glenelg was, that British plantation sugar should be admitted at the reduced duty of 20*s*, the cwt.; for when he proposed to make a reduction in foreign sugars unlike the present Government, he felt it his duty also to extend the principle to the produce of our own Colonies. Lord Glenelg did not propose at that time that there should be an equalisation of the Duties charged on East and West-Indian sugars, but that the latter should be subject to 25*s*. per cwt. duty. He proposed however that all foreign sugars, whether slave-grown or Colonial, should be imported at 28*s*. duty. This proposition received the sanction of, he believed, the Cabinet of the noble Duke, subject to modification as to the time when it should be carried into effect. He might be told that this was previous to the abolition of slavery in the Colonies; but that did not vary the principle; it only varied the argument in degree, for in 1829 though the Slave Trade was abolished as regarded our own possessions, it was notoriously carried on by some of those countries from which sugar would have been imported under this plan of Lord Glenelg's. This proposition, therefore, if the arguments of the Government are sound, was *pro tanto* an encouragement of the Slave Trade in Cuba and the Brazils. At that time Lord Glenelg used the same argument which he (Lord Monteagle) had that night addressed to the House on this subject, for the following passage occurred in the speech of Lord Glenelg when he made that proposition:—

> "It was said that we should encourage slave cultivation if we promoted the produce of the islands; but he would show that by indirect means we were encouraging slave cultivation. Our exports to Brazil last year were to the amount of 3,820,000*l*., and the imports thence were 1,380,000*l*. the difference being 2,000,000*l*. Now, he wished to know what became of those two millions of money; it was paid for in the produce of Brazil, and carried in our vessels to foreign markets."

Whether the trade were carried on directly or indirectly, the result would be the same. To deny this seemed to him either delusion or hypocrisy. It was useless to represent it otherwise, and the whole principle upon which the Bill was founded was in its application no better than a mockery. This Bill committed also a great injustice on another class of individuals—the East-Indians. The noble Earl had alluded to the provisions of the Assimulation Act, in which it was expressly stipulated that the introduction of East-Indian sugar at the same duty as West-Indian sugar should be allowed only upon the consideration that from the exporting countries in the East Indies all foreign sugar should be excluded. No such provision is applied to the free-labour foreign countries, whose sugar will be admitted under the present Bill. An unlimited exportation of free-labour sugar from Java was to be allowed without taking any precaution for the exclusion of sugars of a different description; in the case of Calcutta, on the contrary, no exportation, no importation of sugar to England was to be permitted unless Calcutta submitted to a prohibition of all importation of sugar from foreign countries. That was an anomaly? Nay, was it not more than an anomaly? Was it not an injustice? Why was the prohibition made in the case of Calcutta, or in any similar case? Because, as the West-Indians urged, and he himself admitted in his communications with them, the effect of admitting East India sugar without such a restriction would be precisely the same as if foreign sugar were allowed to come in directly. The West-Indians urged the case also at the time of the discussion before Lord Ellenborough's Committee in reference to rum and other articles; they strongly urged the unfairness of equalizing these duties unless care were taken to exclude all similar foreign produce from India. The Legislature admitted the principle. This Bill, however, was framed on a principle directly contrary, so far as related to China, Java, the United States, and other countries, upon a principle directly the reverse of that. The principle of the Bill was a bad one: it was a Bill altogether inexplicable to him, and, having the strongest objections to it, he felt bound to oppose it, though he did not intend to take the sense of the House on the subject.

Lord *Brougham* said, that he would not enter upon the present subject more at large than he felt called upon to do, after the pointed and bitter attack of the noble Lord against himself, and upon all those who agree with him on the question of slavery. The noble Lord had said that they were labouring under a delusion, and that they were dealers in hypocrisy and cant. He supposed that every one who laboured under a delusion was not conscious of it, and that he was, like the rest, unaware of the delusion which oppressed him; but at any rate the dealers in hypocrisy and cant were persons generally wide awake. They were especially a class of people who slept with one eye open, and, as far as the fracas was concerned, all he could say was, that it did not rest with him or with those who sided with him on this question. With regard to the speech of the noble Lord, he differed from him in a great part of his arguments, in most of his facts, and in all his conclusions. He was sorry that an arrangement had been made by which he had been prevented from hearing last night the speech of the noble Lord; but he doubted not that the facts of his speech would have been just as inaccurate—the inferences just as illogical—and the doctrines just as crude then, as they had been after twenty-four hours' additional preparation. This, as had been well stated by the noble Lord, the Vice-President of the Board of Trade, was not a mere question of free-trade; it was not an abstract question of political economy; it did not regard the rules of political science more than that it was a question on which all the rules of political science were based—a question of good faith—a question which had regard to the rights of humanity; besides this, it was not a merely fiscal, financial, or commercial question, but a question by which our fiscal regulations, and the arrangements of our commerce affected most nearly and most essentially the consummation of one of the greatest acts ever done in this country—one of England's greatest triumphs in sound policy and public virtue—he meant the abolition of the Slave Trade in the first instance, and then of slavery in all the Colonies belonging to the British Crown. In considering this measure it was necessary that they should keep this in view it was necessary that they should be consistent with themselves—it was necessary that they should not counteract—those principles upon which they had already, so much to their honour, decided. If his noble Friend had, in his minute and elaborate arguments, shown that this measure failed to follow up those principles, if even he had shown that it failed in encouraging other nations to follow the example of this country in the emancipation of their slaves—if he had shown that the Bill failed in these respects, or went at all in a contrary direction—then he would have shown that the Bill was inconsistent with itself—and that either on the one supposition it had failed, or on the other that it ran counter to its professed object. But though there were some persons—one set of political reasoners—one class of moral philosophers, who would have a right to complain of the Bill going too far in the wrong direction, or not far enough in the right, to that class of political reasoners, to that sect of moral philosophers, if there were a single man who did not belong, it was his noble Friend himself. If any one man was excluded by his opinions from that sect or party, or class of philosophers, politicians, and reasoners, and who had no right whatever to be heard in opposition to the present Bill upon those grounds, it was his noble Friend and his noble Friends, for they were the authors of the Bill of 1841. For what were those reasoners anxious? That which those reasoners were anxious for, and were apprehensive of—he meant such men as his venerable Friend, Thomas Clarkson, Mr. Scholefield, and the like—was, that no facilities at all should be given —no, not so much even as were given by this Bill, which he would presently show were quite insignificant—but they wished that no facilities at all should be given for the admission of foreign sugar, that by all being excluded they would be certain to exclude the possibility of slave-sugar. Therefore they were perfectly consistent in their opposition to a Bill which would allow certain sugars to come in—free-grown sugars—but which those reasoners argued would open the door to a little slave-grown sugar. He would presently show, however, that such was a very exaggerated and incorrect view of the subject. Yet, though they might be wrong they were consistent. But where was the consistency of his noble Friend, and of those who had supported the Budget of 1841? They were for opening our ports to all foreign sugar, and wherever it came from — from Java, Manilla, China, Cuba, or Brazil—slave-grown as well as free-grown —they would have let all in upon like terms, with a protective duty on West-Indian sugar. So he said that doctrine was cut from under their feet, which constituted the only ground on which they assailed the measure of his noble Friend. But his other noble Friend (Lord Monteagle) had said, that under this measure it would be quite impossible to distinguish between slave and free sugar. But how had he proved this? As he had said before, his noble Friend was most incorrect in his facts, and still less correct in the inferences he had drawn from his facts. First, he had said that the Crown was empowered, under an Order in Council, to declare which countries produced free sugar, and which produced slave-grown sugar. To a certain extent this was true, but only to a certain extent; for in the Bill itself were enumerated all the great marts of free-labour sugar, Manilla, Java, China, were all mentioned. But then his noble Friend had said, "That this was a very dangerous enumeration; for they would have slave-grown sugar introduced in the place of free-grown sugar." In the first instance, he had referred to Java, and certainly in that case he had been rather vague; but he had quoted the very high authority of Sir Stamford Raffles. Now he would also quote the authority of that eminent individual. In a despatch consisting of 700 folio pages—through all of which he had not travelled—were, at pages 156, 160, to be found two distinct statements which he had had occasion to read that very morning. Sir S. Raffles there said that there were 20,000 or 30,000 slaves in Java of all ages and both sexes in a population consisting of 3,000,000. So the amount of slaves in that country was so small that it was scarcely worthy of mention. He would pass it by without further notice. But Sir Stamford Raffles went further, and said, that the slavery of the Javanese was a very different thing from that which was generally understood by slavery. They were menials and peasants, but not slaves; they were adscript to the soil working for wages at that time 4*d.*, and now of 6*d.* per day. Sugar was produced in all those places which he had enumerated, but it was sugar produced not from the labour of slaves, but from that of a free population. With regard to China, it was immaterial as to the extent which it produced sugar, for nobody dreamed of slavery in respect to it. There was no such establishment within its boundaries. But his noble Friend (Lord Monteagle) said, "True, as the present law stands in China, there is no such thing as slavery, but who can say that some Chinese edict may not be promulgated for the establishment of it?" Of all the extraordinary dreams, of all the fantastical and groundless delusions, of all the fancies that had been ever conjured up to haunt the mind, that certainly struck him as the most groundless, airy, and visionary. Was it an usual and common thing in China to change the law? Was the abrogation of a whole system, the total change of policy —nay, of polity (for they were talking not of imports and exports, but whether China was a free or slave producing country), the taking away the privileges, and altering the condition of that country to be predicated of China, to whose laws, if the proverbial saying applied to the laws of the Medes and Persians, that they change not nor do they alter—the same proverbial expression was applicable—yet it was a change of those laws which his noble Friend took as the ground of his argument —now, he would not say that he took the change of the condition of China from a free to a slave-producing country as one improbable only, but he took it as the wildest vision that was ever conjured up in the desperation of an afflicted reasoner at the end of possibilities to meet an adversary. It was said that Louisiana was a slave-producing country, but the observation which he had before made would cover that objection. There was the greatest possible difference between the cases of countries holding slavery to be lawful and a traffic in slavery carried on by some. He deeply regretted that America was stained by that detestable crime, but at the same time that he said that, he must admit that countries holding slavery to be lawful were placed in an altogether different position from those in which it was placed under the ban of the law; but he would set himself against any party which vehemently claimed the retention of that detestable, that odious slavery, which he was prepared to designate as a crime. Upon that point he (Lord Brougham) had only to say that he would not negociate with the noble Lord in an alliance with any country which cultivated its ground by slaves, and which, holding slavery to be a part and parcel of its municipal law, refused to abolish it, and which raised the produce which he had to buy and to pay for by his own free labour. He (Lord Brougham) approved of everything which discouraged slavery abroad—he approved of every thing which shut the door to the entrance of slave-grown sugar into this country; but he held that principle as a statesman, not with the view of putting down slavery in foreign countries; and he contended that he had a right to draw that line, and to make that distinction, for this simple reason—that he had no right to interfere with the universal domestic institutions of any other state than his own; but when they talked of slave traffic, that was a very different thing; because if we opened our ports and markets to the sugar of Cuba and Brazil we knew that by that very Act we were opening the ports of Cuba and Brazil to the accursed African Slave Trade; that every one hogshead of sugar which we allowed to enter, and which was consumed here, more than was entered and consumed in the previous year, had been raised by the increase of that infernal traffic; and because we knew, moreover, that that policy was not only calculated to encourage detestable municipal institutions but also to encourage that which we as British statesmen had a right to interfere with, and to check—a traffic in slaves; he would not call it a traffic, but the most grievous of all crimes—that of Brazilian and Cuban men sending their ships to Africa and tearing from their native shores harmless children to cultivate their sugar, which we were to purchase with our free industry. His noble Friend (Lord Monteagle) said, " How inconsistent: you object to admit sugar for fear of encouraging slavery, but look to cotton, look to coffee, are not they equally the produce of slave labour?" When, however, his noble Friend told them to look to cotton and coffee, he instanced cases not at all analogous, for although cotton and coffee were raised by slave labour, it was a totally different application of slave labour to that which was had recourse to in the cultivation of sugar. The great evil and grievance of slavery, was the dreadful torment inflicted on the poor slave, in planting, in tending, in cropping, in harvesting, and in making the sugar from the cane, the labour was intolerable; but not so in the produce of coffee, of indigo, and of cotton, in which each individual might labour alone. To every one at all acquainted with West-Indian agriculture, if he might call it by so sacred a name, it was well known, that the labour was performed under the lash of the driver, with the smack of the whip in the slaves' ears to keep them to their work, in the same way as the waggoner smacks his whip when his team labours. Those unhappy creatures were compelled, without any distinction, they were all compelled to walk equally in rank, the healthy and sickly, and the weak and the strong, men and women alike, and were goaded on to work by their inhuman overseers—that they called labour, he (Lord Brougham) called it torture. That was not the case with the producers of cotton or of coffee. That was his first answer to the objection of his noble Friend (Lord Monteagle) when he said, " Look to coffee and to cotton." Again, another strong answer was, that we had been taking cotton from America for a century past; our manufactures depended upon it, and we could not give it up. They must also recollect, that they were not discussing the question, whether the ports should be opened for the first time for the admission of cotton from America—for the whole gist of the illustration as an argument lay in that; with respect to sugar there was change, but with regard to cotton there was no change at all, If his noble Friend could show, that by keeping the ports open they would cause a large increase in the imports of cotton, and of slavery in consequence of that; or, that by throwing open the ports to the sugar of the slave-producing countries, such small additional quantities only could be brought in as would offer no stimulus to the Slave Trade—that that, in fact, would be all that would happen by opening the ports—then he would have some ground to go upon in his argument; but, so far from doing that, his analogy was incomplete, and his argument had altogether failed, He was then arguing against his noble Friend's plan, not against that of the Government. He thought that his noble Friend's present opposition to the Government was totally inconsistent with his own plan in 1842. He (Lord Monteagle) said, "Look to coffee, you take that produce from the Brazils and Cuba, why be so much afraid of letting in sugar from the same countries?" His (Lord Brougham's) answer was complete. The coffee of the Brazils was very bad, the coffee of Cuba still worse; in fact, there was little or none of it consumed here. Contrasting that part of the Bill and its enactments respecting Calcutta, the noble Lord inquired, "Why take those precautions with respect to Calcutta, and none in respect to Java?" There were no slaves in Java. "Oh, but said his noble Friend, "sugar might be exported from the Isle of Bourbon into Java, and come from thence to England, as sugar the produce of free labour." In answer to that, he ventured to say, that his noble Friend could not discover a more desperate trade, or a less profitable one, than shipping sugar from the Isle of Bourbon to Java, and from thence to England. But he could not bring it here without a certificate of origin, and after the statement of his noble Friend (the Earl of Dalhousie) of the difficulties which the Bill placed in the way of obtaining a false certificate, he certainly did not doubt that the certificate would have the effect of preventing the importation of slave-grown sugar as the produce of free labour. In Java, in Manilla, they had Consuls; it might necessitate the increase of the number of Consuls, but, upon the whole, he relied upon the impossibility of bringing sugar from the Isle of Bourbon to Java as at all a profitable speculation. But sugar would be brought from America, said the noble Lord (Lord Monteagle) behind him; had he, however, forgotten the statement of his noble Friend (Earl of Dalhousie), that the duty had first to be paid on it upon its entering Louisiana, and that if that duty were to be repaid in drawback the very same packages in which it was imported must be used in its re-export, which would be a clear proof of its origin, and consequently counteract the fraudulent certificate of its origin. On those grounds, he was perfectly unable to see, save in minute and inconsiderable, if not in evanescent dimensions, any probable increase of the amount of slavery as likely to be the consequence of the proposed relaxation of our commercial code contained in the Government proposition—with which, be it recollected, he had nothing to do; but of the Slave Trade being encouraged by it, and with which he had every thing to do, he saw no likelihood whatever. His noble Friend (Lord Monteagle) had referred to the Treaty between this country and America, by which we were compelled to receive American sugar upon the same terms as that of the most favoured nations; and argued that consequently we could not relax our restrictions upon Manilla sugar without doing the same in regard to that from America; but in that objection he could see but little force. Those Treaties were liable to be suspended after six months notice; all then that the objection amounted to was, that they would have to undertake a reconsideration and revisal of the law in question. Another objection made by the noble Lord was, that they were then legislating for the first time upon mere feeling and upon general abstract moral feelings. He (Lord Brougham) denied that such was the fact: he joined issue with his noble Friend upon that subject. It was undeniable—wholly undeniable—that they had over and over again legislated on such a principle, and, to prove it, it was quite sufficient that they should consider the subject then under their discussion at the very root and foundation of which laid their own legislation with respect to slavery, and their own Treaties and negociations with respect to the Slave Trade; and those very views of justice and universal philanthropy which guided their Lordships and the Parliament in those great measures, were the guides which they should look to in forming their conclusions upon the present. His noble Friend, in order somewhat to vary the monotony of the subject, became in one part of his speech rather discursive, and adverted to the proceedings at the last general election in 1841, which he described as being one scene of delusion and hypocrisy from beginning to end, asserting that those who turned out the then Ministry did it on false pretences — that they had now broken their promises and disappointed the anticipations of their friends. Now, he (Lord Brougham) had seen a good many elections, and he knew something of them, and, if he were to say that, at the last election, in 1841, there was no risk of rash promises being given, never to be realized —if he were to say that there was no risk of being what a pawnbroker's shop abounds with—unredeemed pledges — if he were to say that, he should certainly be giving a very romantic, and, no doubt, a very untrue account, of a general election; because he believed that the anxiety of candidates, did, in many cases, lead them to make promises which they could never fulfil, and to give pledges which they could never redeem. They might say what they pleased, but no one would deny this, that during the last general election there was one party which everywhere were described as the abettors of dear bread, and another of whom it was said, that from them alone we could hope for cheap bread; and the Whigs were called the cheap bread men, and the Tories were called dear bread men. But, when the new Parliament assembled, whom did the cheap bread men select to move the Address in answer to the Speech from the Throne—whom but his noble Friend, Lord Spencer? He was one of their cheap bread men; but, nevertheless, Lord Spencer was for total repeal, while at the same time he was of opinion that that total repeal would not have the effect of making bread cheap; that was the opinion of Lord Spencer, an opinion which he (Lord Brougham) did not share with him—still it was his opinion, and most clearly and decidedly did his noble Friend state that opinion, when he moved the Address on the first day of the first Session of the present Parliament, yet those cheap-bread men, as they were called, put forward Lord Spencer as their champion. It was very painful to him to advert to those topics—he did so with great reluctance—but the topic was in a great degree forced upon him by the course which the discussion had taken. During that election the Tories were called bread taxers, and the Whigs were called free-trade men, and at that, as at all other elections, men's memories became short as to pledges formerly given, and their foresight very limited as to promises to be thereafter performed. But, to go a little further back than the period of the general election—only a very short time further back, however—only as far as the budget of these cheap bread men, as the Whigs were called—what was the nature of their budget? It was a bread-taxing budget. They told the Parliament and the public that the tax which they proposed to lay upon corn was not to be a protection—nothing of the sort: they imposed, or intended to impose, that tax merely for the purposes of revenue. His noble Friend near him had just reminded him that Lord Melbourne had not intimated that it was for the purpose of revenue; but rather had plainly told the House that it was for the purpose of protection; but he must remember that they were not agreed among themselves, and that whilst Lord Melbourne said that he meant the duty for the purpose of protection, yet a noble Marquess who belonged to the late Government had said it was intended for revenue, and a similar difference of opinion amongst the Members of the late Government took place in the House of Commons, one Member of the Cabinet there saying it was for protection, and another that it was solely for revenue. Who were the bread taxers? The country would judge of that, but this he would say, that the very last thing which a Government ought to do, was to make an "appeal from the brains to the belly"—from the common sense and dispassionate judgment of men to their feelings and their appetites. The noble Lord had next adverted to a change in which Parliament had reversed a previous decision; and upon this subject his noble and learned Friend had become quite poetical, and had described, with tropes and metaphors, the sudden turning round of the state coach upon this question. Men's memories were very capricious, and when so much was said about changes of opinion, he confessed that it filled him with surprise that other topics besides those already mentioned had not been adverted to. Did any one, he repeated, ever hear of that compact, formed on the ground of the Appropriation Clause, and on which, on the first opportunity, faith was broken upon, and it was "whistled away, down the winds?" The difference between the present Government and that of which he had been speaking, was, that the former got support if it was known what they were going to do: but he would like to know what support the Whigs would have got if the way in which they were about to act had been known. He would only add, "that all was not dross that blistered, and all was not gold that glistered." He had gone over the grounds which made it necessary that something should be done for the country. The country had paid an enormous sum for the emancipation of the slaves, and if that Bill at all interfered with that measure, great respect as he had for the Government, he would not consent to its enactment; be the consequences of the sacrifices what they might, he would not go an inch beyond. Going as far as his principles would allow, he could not give up all protection. Looking, however, to the great interests involved, and the just claims of the people of this country, he did think that some change was necessary. He could not, however, allow another argument which had been made use of, that because any measure might have the effect of keeping the price of sugar at an unreasonable and exorbitant height, that therefore, be the consequences what they might, at that dangerous cry, as it had been called by Lord Holland, of cheap sugar, all other considerations should give way. He, for one, would not consent to that cause which he had most at heart, of keeping down and extinguishing slavery being at all compromised; and he did not believe that that Bill would have any such effect. If the people of other countries were shown that the British planters were ruined, and that the British population was suffering by the course this country had pursued in relation to the slave system the greatest possible encouragement would be held out to the demoralizing system. It was with these views he gave his hearty concurrence to the measure; and he believed, that the admission of sugar of all countries would be a direct encouragement to that infernal traffic.

Lord *St. Vincent* rose to disclaim on the part of the West-India interest, any idea that it would be a benefit to them to have the price of sugar enhanced to such a degree as that it would cease to be an article of consumption amongst the common people. With respect to the condition of the West-India interest, he must be allowed to say, that ever since the emancipation the supply of labour in the West Indies was very insufficient, and in consequence of the want of hands, there was not that quantity of sugar in the market which the public required. For his own part, as an individual, he did not see in the present measure all those good qualities which had been imputed to it; but, from the great confidence which he reposed in Her Majesty's Government he did feel inclined rather to rely upon their judgment than upon his own. There was one observation however, which he could not avoid making, namely, that he feared if this measure did not prove successful, it might have the effect of discouraging other countries from emancipating their negroes.

The Earl of *Radnor* said, that the two noble Lords who had just spoken, had referred to the distress of the West Indies as if it were of recent origin, and as if it had arisen solely out of the Act of Emancipation—whereas, he, who had been in Parliament twenty years had never known the time when the West-Indian interest did not complain. It might be said that it was not owing to the abolition of slavery, but of the Slave Trade. Now, he had before him the Report of the Committee of the House of Commons of 1807, appointed to inquire into the Condition of the West-India Interests; and the Report, which was presented by the present Lord Seaford, said, that ever since 1799, there had taken place a progressive deterioration in the condition of the planters, resulting from a constant diminution in the prices of sugar, till the depression in the market was such, that during the preceding year the estates had not paid their expenses; and the Report further added, that from 1800, the expenses of cultivation had increased, while the profits had diminished from 10 per cent. to 2½ per cent., and 1½ per cent., and ultimately to nothing; consequently it was not emancipation, or the abolition of the Slave Trade which had caused the distress—it had existed several years before both—it was, therefore, an unfair argument to say that it arose from either. He believed that the difficulties of the West-Indians arose from other circumstances, traced in the same Report, to the monopolies to which the West-Indian proprietors were themselves subjected. One of those monopolies was the prohibibition imposed on their refining their own sugar—of that the West-Indian proprietors had a right to complain, as well as the English consumers, and the whole world. The result of this prohibition was, that there was an amazing waste in bringing over the Muscovado sugar, which was of benefit neither to the people of this country nor to the West-Indians themselves. This explained the passage in Mr. Deacon Hume's evidence which had been referred to by the noble Earl. He had always looked upon that Gentleman as a free-trader, and just before the passage which had been quoted he found this, "I am strongly of opinion that our Colonies would be able to compete with all the world, and become extremely prosperous, if they had free-trade granted to them." That was, he proposed to do away with that monopoly which was supposed to be a benefit to them, the abolition of which would re-act on us, by giving them advantages, just as the taking away of the restriction upon all sugars would be beneficial to the West-Indians as well as ourselves. It had been said, that they ought not to encourage slavery; but if they gave no encouragement to slavery, they would get very little sugar. His noble and learned Friend (Lord Brougham) drew a distinction between cotton and sugar, and said that we were not now admitting cotton for the first time; but he should recollect that we had got to a new state of things: that instead of a population of ten or eleven millions, we had now a population of eighteen or nineteen millions. The West Indies could not supply this increase; and the question was, whether the people were to be deprived of sugar, or were to get any other? By the present Bill they were encouraging slavery as certainly as if they took the sugar direct from the slave-growing countries, for the slave-grown sugar would go to supply the place of that brought there. The supply was not sufficient now. In 1801 there were 4,047,000 lbs. of sugar imported, and in 1840 there was rather less. We took all the sugar that the West-Indians could give us, and had not enough. It was preposterous that while we refused to consume slave-grown sugar here, we brought it here, and, having refined it, carried it back for the consumption of the West-Indians themselves. Nay, noble Lords themselves must partake of this very slave-grown sugar, sent out from this country, if they ever eat Guava jelly, or other sweet preserves. In the course of the period since 1801 the population had increased upwards of 8,000,000. In 1800 there were imported 4,047,000 lbs. of sugar, which were sufficient for the population then; but in 1840 the same quantity was to be sufficient for the increase of eight millions in the population. There had been in the interval a large increase of consumption in the articles with which sugar was used. The increased consumption of tea had been 11,000,000 lbs., and of coffee 22,000,000 lbs.; and as most, when they could afford it, with these articles now used sugar, it would have been supposed that there would have been an increase in the quantity of sugar consumed. In 1801 the whole consumption of sugar per head of the population was more than 30 lbs., and, indeed, nearly 31 lbs.

Lord *Brougham:* One-half of it was exported again.

The Earl of *Radnor* believed that was the home consumption.

The Earl of *Dalhousie:* In 1815, fourteen years afterwards, when 4,000,000 lbs. were imported, only 2,000,000 lbs. were consumed. Where 2,000,000 lbs. were then consumed, there were four now.

The Earl of *Radnor:* At any rate, in 1840 there was no exportation, and the quantity then imported gave an average consumption per head of only 15 lbs., being two-thirds of the quantity allowed to the old and infirm in workhouses, and not more than one-half of that consumed by each seaman in Her Majesty's ships. He believed that monopolies were injurious to all parties, both those who enjoyed them and those at whose expense they were enjoyed. Now, this was extremely remarkable in the case of the West-India proprietors, and of the value of the produce brought to this country. Monopolies gave no encouragement to cultivate to the best effect; and, consequently, in the generality of cases, where the import was the least, the profit was the most. The noble Earl then read returns of the imports of various years since 1830, to prove that the amount of profit derived was greatest in those years in which the quantity imported was least; and then went on to observe, that this proved that the monopoly took away the incentive to produce as much as possible. Another consequence was, that it set at nought the division of labour, and gave rise to a most improvident and uneconomical mode of carrying on the trade. It was observable, that of late years the consumption of sugar by each individual varied exactly with the price of sugar. Mr. Porter, in his valuable work, gave a table showing this most accurately. There was only one exception in the last eleven years, the year 1835, a year of most extraordinary prosperity; so that in reality the exception confirmed the rule. He had no objection to this Bill; it took a step in the right direction, in diminishing the differential duties, and admitting some foreign sugar. He did not wish to be understood as saying, that the West-India proprietors were not entitled to relief; but he doubted whether they were, and if they were, he would give it in money, rather than in differential duties, because they were an unnecessary and improper tax on the people of England.

Earl *St. Vincent* explained. He did not think refining sugar in the West Indies was a matter of much consequence to the planters. He wished it to be understood, that there was no complaint on the part of West-Indian proprietors, in consequence of a reduction of the differential duties. The only question with them was, whether, considering their present situation, the proposed reduction was not too great, and whether that reduction should not be postponed for a short period, until our colonies were placed in a position to compete with foreign countries.

Lord *Ashburton* said, after the long discussion which had taken place on the subject before the House, and after the able manner in which the question had been introduced to their Lordships' consideration by the noble Earl who had opened the debate, it was not his intention at any length to trespass upon the indulgence of the House; but he could not rest satisfied without referring to one or two points which had been urged by the noble Lords who had spoken. The question had, he thought, been treated improperly as one strictly coming within the jurisdiction of the political economist. It was true, but not to the extent represented by the noble Lord opposite, that the West-India Colonies were not competent to supply sugar adequately to the wants of the country. The noble Lord had not stated the case fairly. It should be borne in mind, that the return of the amount of sugar consumed in different years was often very irregular. It appeared, that during the year 1800, the consumption of sugar in this country was 1,506,000 cwt., and that in 1843 4,450,000 cwt.—a large increase, certainly, between the years 1800 and 1843. He did not think that the noble Lord had over-estimated the importance of cheap sugar to the poor of this country. It was his (Lord Ashburton's) opinion, that they ought to cheapen the price of sugar, provided they did not, by doing so, endanger the revenue of the country. This question had, however, been looked at quite in a different point of view. This country had exhibited a great willingness to make a sacrifice in order to abolish slavery and the Slave Trade. To effect that desirable object, they had paid 20,000,000*l.* to the West-India proprietors, by way of compensation; but they had done more than that, in watching the African coast, with the view of extinguishing the trade in slaves: therefore, it was clear the country had, and was prepared to make a great sacrifice for the purpose of putting a stop to slavery and the Slave Trade. The question resolved itself into this:—It was necessary, in order to meet the increased demand for sugar, to ascertain from what source it could be obtained, it being clear that our colonial possessions could not afford us a supply adequate to the consumption of the country, at least not for any length of time, unless emigration of labourers to these Colonies was encouraged to a considerable extent. The question then arose how they were to obtain this further supply? It was natural that they should endeavour to effect that object, viz., an increased quantity of sugar for home consumption, without at the same time giving encouragement to the Slave Trade. They found that there existed countries cultivating the growth of free-labour sugar. Considering the feeling of the country, taking into consideration the willingness shown to make a sacrifice for the promotion of the great principle to establish which 20,000,000*l.* had been freely given, it was natural that those countries growing sugar, and in which slavery was not encouraged, should be looked to and preferred when the question arose to what quarter must they look for the increased quantity of sugar necessary in order to meet the demands of the country. The country would look at this subject without considering the question of profit or loss; they were disposed to make a considerable sacrifice for the purpose of putting an end to slavery and the Slave Trade. It had been said, that it could not be denied that directly they adopted the principle of a free-trade in sugar, they let in a supply from Cuba and the Brazils, and directly the void in the market was supplied in this way, they destroyed their own cultivation of sugar, and gave a great impetus to the traffic in slaves. The principle upon which they ought to act was, to endeavour to obtain a supply of sugar for the home market without at the same time giving encouragement to slavery. Many objections of a minor character had been urged against this measure; but it should be recollected, that the Bill was one of an experimental character. Should the measure be found to fail—should it not answer the expectation of the Government, it was easy to amend it. Upon these grounds he gave the measure his support.

The Marquess of *Lansdowne* rose for the purpose of protesting against his noble Friend classing him among the opponents of the measure before the House. He did not intend to oppose the Bill. He considered it an advance towards sound principles. He supported it because it recognised the interest of the consumer. He objected certainly to the Motion, on the ground that it did not sufficiently carry out an important legislative principle. Could they prevent slave-grown sugar from getting into the market? Do what they could with the certificates of origin; adopt the rigid system of commercial policy pursued by Napoleon; bring into active operation every facility placed at the command of the Board of Trade, the Custom-house, and their consuls placed in various ports; and, notwithstanding every precaution of the kind, this article would find its way into their ports. When such an article as timber was carried across the Atlantic in spite of all our differential duties, was he to be called visionary by his noble and learned Friend because he apprehended that sugar would be conveyed from Siam, or the Ile de Bourbon, to Java. When they remembered in what way the kindred article of coffee had been carried from America to the Cape, was he to be looked on as absurd and theoretical because he feared that sugar would in like manner be brought in in spite of our fiscal regulations? He (the Marquess of Lansdowne) felt no such confidence as that which was felt by the supporters of this Bill—he believed that the attempt was one which must fail. What made it worse was, that in all such cases no one could know the extent of the failure, or of the mischief done to the regular cultivator. If the law was based upon a principle open to all, the West-India colonists and all those interested in the question would have the means of knowing the exact extent to which it went; but, in the case of these new regulations, with respect to them, you relied on a series of uncertainties, which would tend most seriously to aggravate the evil done to the West-Indian and to the British consumer. His noble and learned Friend told them that the consumer had already made great sacrifices for the sake of having free-grown sugar. No doubt they had; they had made great sacrifices for the suppression of the Slave Trade, and they would, no doubt, do so again; but were they, therefore, to be called upon to abandon all commerce with those parts of the globe which were connected with the Slave Trade? We were the carriers of slave-grown sugar—we refined slave-grown sugar—we paid through our manufactures for half the value of the sugar grown in the Brazils; but his noble and learned Friend thought little of that. He was not prepared to recommend the sacrifice of all this trade; and, if he were, the country would be bound not to make such a sacrifice. This Bill introduced a principle of interference in the domestic institutions of other states that was highly unsafe in our intercourse with those states. It was the application of the commercial screw which would be found to fail, as it always had been found to fail, because the greatest means of human improvement, and also of the abatement of slavery, would be found to be in the greatest freedom of commercial intercourse, and the interchange of ideas between a free people and those who were not accustomed to free institutions. His noble and learned Friend said, he was not making war on those institutions but on the Slave Trade. How were they to make the distinction? Admit this sugar in any shape, and the benefit would be gained by that country which had the best means of producing sugar, whether by slave-labour or otherwise. In proportion as this indirect aid was given to slave-grown sugar, the cultivation of our own colonial possessions would be lessened. The consumer of this country was placed in a worse position than the consumer of any other as regarded the article of sugar; and his objection to this Bill was, that it perpetuated that evil, and forbade the necessary remedy. His noble and learned Friend had taunted the late Government with having in their free-trade measures caught, like drowning men, at a straw. If they caught at a straw, they had the consolation of seeing that it was a straw which had not met with the ordinary fate of straws—it had not lain and decayed on the ground, but, removed to the ungrateful soil of the Benches opposite, it had germinated and vegetated, and produced successive crops in the shape of modified corn duties and modified sugar duties, and an altered tariff. This was at least a consolation to them under the taunts of his noble and learned Friend.

Lord *Brougham* quite agreed with his noble Friend, in the straw having borne a goodly crop. It was true also that it had not met the fate of straws when clutched by drowning men, for it had not gone down with them — it remained upon the surface.

The Earl of *Dalhousie* replied.

Bill read a third time, and passed.

PRIVY COUNCIL APPELLATE JURISDICTION ACT AMENDMENT BILL.] On the Report,

The *Lord Chancellor* (with the consent of Lord Brougham, who had left the House) moved that the clauses be expunged relating to the jurisdiction in Divorce cases.

Clauses expunged. Report received.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 2, 1844.

MINUTES.] BILLS. *Public.*—1°. Actions for Gaming Discontinuance (No. 2); Colonial Postage.

Reported.—Unlawful Oaths (Ireland); Prisons (Scotland).

Private.—2°. Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate.

PETITIONS PRESENTED. By several hon. Members (4), against Dissenters Chapels Bill.—By Mr. Villiers, from Harleston, for Repeal of Corn and Malt Duties.—By Mr. Hastie, from Glasgow, against Bank Charter.—By Mr. P. Miles, from Bristol, for Compensation (County Courts Bill). — By Sir P. Egerton, from Wirrall and Norwich Unions, for Alteration of the Poor Law.—By Mr. Bowes, from the Great North of England, Mr. Duncan, from the Edinburgh and Glasgow, and Mr. P. Miles, from the Bristol and Gloucester Railway Companies, against the Railways Bill.

CRIMINAL JUSTICE IN SCOTLAND.] Mr. *Wallace* rose to move, pursuant to notice,

"That an humble Address be presented to Her Majesty, praying Her Majesty will be graciously pleased to appoint a Commission to inquire into the conduct of the Judges who presided at the Assizes held in the city of Glasgow, in the month of May last, and especially into the circumstances attending the trial of Alexander Walker, accused of an assault with intent to ravish a girl of tender age, named Grace Macfarlane."

He regretted that he felt it his duty to bring forward this subject, for it was one which referred to the misconduct of one of the highest criminal judges of Scotland. He had not come to that determination until he had well considered the course which he was about to pursue, and until he found his own view confirmed by a great many persons in his own part of the country. At the late assizes held at Glasgow, a person was tried for assaulting a young girl, who was not thirteen years of age, with intent to violate her person. In Scotland they had a public functionary who was now in that House, namely—the Lord Advocate, whose special duty it was to be public prosecutor in all cases of criminal delinquency. That individual, either in his person or in the person of his representatives, was in fact the grand jury of Scotland, and it depended entirely upon the manner in which cases were brought before him or his representatives, whether or not any particular case should come before the Criminal Court. Previous to the trial of any criminal in Scotland the evidence against him was first taken before the local court, which was called the Sheriff's Court. It was then transmitted to the Lord Advocate, and after being sifted by him, or his deputies, it was decided whether or not the case should be brought on for trial. Such were the stringent measures taken to purge and purify the evidence before any criminal was brought up for trial. The Judges also were appealed to by the counsel on both sides as to the relevancy of the indictment, and after it had been decided that it was relevant, the Judge had no further right to interfere with the trial. Now, he had to complain of a most unprecedented and extraordinary interference on the part of the Judge in the present case and he had to ask the House of Commons to institute an inquiry into these singular proceedings. In the case to which he had to call the attention of the House, the Lord Justice Clerk and Lord Wood were the presiding Judges. It was a regulation in Scotland that trials for rape should be tried with closed doors, and in this case that regulation was complied with. The oath administered to juries in Scotland was of the most solemn character. He admitted, that the usual forms were observed, and that the jury were chosen in the usual manner. The jury proceeded to the trial of Alexander Walker, for the assault on the girl, and Lord Wood was the presiding Judge, when the case was in so extraordinary a manner broken in upon. In order to put the House in possession of the most accurate information he had been able to obtain upon the subject, he should read to them a letter he had received from one of the ten jurymen who had protested against the course which the proceedings had taken on the occasion. The hon. Gentleman then read the letter as follows:—

"*Statement of facts from one of the ten protesting Jurymen.*

"Glasgow, June 25, 1844.

"Sir,—As foreman of the jury sworn to try 'Alexander Walker, for an assault with intent to ravish,' at the last assizes held here, and as one of the ten jurors then impannelled who subscribed a protest against the verdict recorded in the books of the Court as the verdict of the jury, I send to you, Sir, to be used as you shall think best, the following facts. The circumstance of a verdict being ascribed to my brethren and myself which every one of us most indignantly repudiated, and the very contrary of which, so far as I know, we were prepared to return as the result of our deliberate judgment, grounded on the evidence, and the way in which it was given, is the sole reason for this statement.

"One of the jurors lost no time after the jury left their official seats in getting the protest drawn up and subscribed by as many of his brethren as he could conveniently get hold of at the time, and placed it in the hands of the clerk of the Court as the proper depositary.

"The Judges present on the occasion were the Hon. the Lord Justice Clerk and Lord Wood, the latter of whom was the presiding Judge in Walker's case. The usual preliminaries were gone through—the panel pleaded not guilty—and the case went to trial. The first witness examined was the little girl Grace Macfarlane, who was alleged to have been the victim of Walker's brutality. Her testimony was elicited at great length, and was given with such artless simplicity as to carry conviction to the minds of the jury that she spoke the truth and nothing but the truth. The next witness was the woman in whose house the little girl resided, and who had taken charge of her for several years. Her evidence was in every respect corroborative of the preceding deponent. The next witness was a neighbour of Walker's, and the impression made on the jury by her testimony and appearance was, that she did not wish to say anything conclusive on the matter.

"At this stage of the trial the Lord Justice Clerk interrupted the proceedings—held conversation with the Advocate Depute with a view to the abandonment of the case, on the assumption that the jury would not believe the testimony of the little girl, and that the proof, irrespective of her evidence, was insufficient. The Advocate Depute was desirous to go on with the case; said he had other witnesses to produce, as also the medical gentleman who had inspected the girl after the assault upon her person. The medical gentleman, however, was the only other witness who was put into the box, as at the close of his examination, the Lord Justice Clerk again interfered with the Advocate Depute as before. While this was going on, Lord Wood, the presiding Judge, said to the jury, that they had better consult together, and if they wished any more evidence in the case, to say so. Having ascertained the general mind of the jury, and observing that the Lord Justice Clerk still pressed the Advocate Depute, I, as foreman, addressed his Lordship and said,—'My Lord, the jury have considerable doubts as to the innocence of the prisoner.' To which his Lordship (the Lord Justice Clerk) replied—'Is that merely your opinion, or is it founded upon the evidence?' When I immediately rejoined, 'By the evidence certainly our minds have been influenced;' and almost forthwith his Lordship, and not Lord Wood, the presiding Judge, announced that the case was given up by the Advocate Depute. Nothing passed subsequently between the Judges and the jury, but by-and-by the clerk of the Court stood up and read from his Book of Records—'That in the case of Alexander Walker the jury had returned a verdict of 'Not Guilty,' and the said panel is forthwith dismissed from the bar.' The protest was subsequently signed by ten of the jurymen, under a strong feeling that in their persons the province and prerogatives of a British jury had been usurped, that the ends of justice had been defeated by this case having been taken out of their hands, and that a verdict was recorded as theirs which they never sanctioned; and, further, that they could not consistently with their oaths, their consciences, and their sense of public duty, be passive in the matter.

"I am, Sir, your obedient servant,
(Signed) "George Hodges."

He had reason to believe that the Return which had been furnished to the House was in many respects inaccurate; and he had received a letter from the editor of the *Glasgow Argus*, dated June 24, which led him to that conclusion. He had sent a printed copy of the Return made to that House to each of the jurymen who had signed the Protest, and had received communications from many of them. One of these communications was to this effect:—

"25th June, 1844.

"Sir,—As the individual who handed in the protest to the clerk of the Circuit Court, and forming one of the impannelled jury on the case of Alexander Walker, accused of assault with intent to ravish, I beg leave to submit the following statement of facts as they came under my notice pending the trial.

"Having been ballotted for and duly sworn upon the case of the said Alexander Walker, I took my seat, the trial being conducted by Lord Wood, Mr. David Muir, Advocate Depute, &c., when just as the trial had commenced I observed the hon. the Lord Justice Clerk withdraw from his seat, *i. e.*, his usual seat at the bench, and retire a little behind it. Having seated himself, he lifted up a roll of papers, and proceeded to examine them minutely. I readily perceived the roll of papers to be the plans, &c., for the alterations and additions to the old court houses. To these he gave much attention during the greater part of the trial, and more particularly in the examination of the first or principal witnesses,—viz., the victim herself. It was during the deliverance of the latter part of the second or the beginning of the third witness's deposition, that Lord Wood addressed the jury, to the effect that if they (the jury) were not satisfied with the evidence already led, or rather if they wished additional evidence in the case, to say whether such were necessary, if not, they were to hand in their opinion, or the result of their consultation. Scarcely four minutes had elapsed after the above intimation had been given by Lord Wood to the jury, when the Lord Justice Clerk rose hurriedly from his seat, and accosted the Depute Advocate (Mr. Muir) sharply, and said something about withdrawing the case, which Mr. Muir in the most marked manner hesitated to do, suggesting to the Lord Justice Clerk that the better way would be to bring forward additional witnesses, and allow the jury to determine for themselves—for, added he, I have one or two important witnesses whose testimony might be of much service to the jury. Now, this was most distinctly spoken out and heard by me. At this stage of the proceedings the Lord Justice Clerk again said something about withdrawing the case, but my attention being called away by the jury communing among themselves, I did not hear what he then said. It was at this juncture the foreman of the jury, Mr. Hodges, stood up and said—'My lord, the jury have considerable doubts as to the prisoner's innocence.' The Lord Justice Clerk immediately rejoined —'How so! have you formed that opinion from the evidence,' &c. Mr. Hodges at once replied that their (the jury's) minds were naturally influenced by the evidence submitted to them, or nearly in those words. The Lord Justice Clerk then turned to Mr. Muir, when a rambling conversation or explanation of the case took place. The latter gentleman seemed to me to be so browbeaten by the unyielding manner of the Lord Justice Clerk, that he said—Well, if your Lordship insists, I will offer no objections, or no further objections, or words of a similar import. The trial was then dropped, and alleged to be withdrawn; the clerk proceeded to read aloud a statement in the usual form, &c., recording a verdict of 'Not guilty' for the prisoner, as being that of the jury's. Now, sir, the jury never returned any such verdict as 'Not guilty;' on the contrary, they gave utterance to their verdict, such like as it was, through Mr. Hodges, and confirmed it in the protest, signed by ten of their number on the very day the trial took place. By that document, sir, they have relieved their consciences from a 'verdict' recorded as theirs, and acquitted themselves before their fellow-countrymen of having participated in the verdict of 'Not guilty' recorded for the prisoner, and as minuted in the books of that Circuit Court.

"Such, sir, are the facts of the case so far as my recollection carries me; and, in conclusion, I may add, that you are at liberty to make use of this letter as to you seems best, as I place no restraint upon your will in the matter.

"I have the honour to be, Sir,
"Your most obedient servant,
(Signed) "John F. Roehead, Architect."

"27th June, 1844.

"I concur in the above statememt.
"John Manie."

"27th June, 1844.

"The above is a correct statement to the best of my recollection.
"Peter Mac Lellan."

"28th June, 1844.

"The above statement is correct in every particular.
"A. G. Lindsay."

Mr. Muir was a man of rising talent, and his character stood as high as that of any member of the Scottish bar. There was not one of that fraternity who was a more perfect gentleman; and he submitted that no counsel ought to be so browbeaten and insulted as this gentleman had been by the Lord Justice Clerk. He knew the Lord Justice Clerk to be a *protégé* of the right hon. Baronet's, and to have been pitchforked by him over the heads of many who were his undoubted superiors. He would not say a single word about the other judges; they stood on the records of this country as able deserving men; but the conduct of the Lord

Justice Clerk was most disreputable, most insufferable, and of the most unprovoked kind to be met with in the annals of Scottish jurisprudence. He asked the Lord Advocate if he ever knew of such a protest? The protest had been lost, it was said; but he did not believe a word of it. He believed that the Lord Justice Clerk tore it up on the bench. He called upon the hon. and learned Lord Advocate to state whether Lord Wood did not put it into the Lord Justice Clerk's hand, and whether that judge did not tear it up in one of those fits of rage to which he was accustomed to give way? Should the House refuse to grant an inquiry into this disgraceful conduct on the part of one of the judges, he would then feel himself at liberty to make use of it, and he would venture to say that no man could fail to be convinced from that testimony that a most brutal assault had been committed on the child. He had never heard of such impertinence as had been exhibited by the Lord Justice Clerk on that occasion, and if an inquiry were allowed he would prove the truth of these statements by the testimony of judges, counsel, magistrates, jurymen, and spectators of the Court of Assize. The Lord Justice Clerk had interfered in a manner which he dared not to have done if the Lord Advocate had been present. The office of Lord Advocate was paramount to all others. No man could define the bounds of his jurisdiction, and no judge would dare to interfere with his conduct in the prosecution. He was the public prosecutor. It would be well if such an office existed in England. It was an office of the greatest benefit to Scotland; and if that office were degraded the people of Scotland would know that it had been so degraded by the present Government, and by the hon. and learned Gentleman who now filled that high and important office.

The *Lord Advocate* would only state such circumstances as he thought would constitute grounds for resisting his Motion. The hon. Member had alluded to the nature, the powers, and the duties attaching to the office he had the honour of holding; he was fully sensible of the importance of those duties and the responsibility which attached to their exercise; and, therefore, he had endeavoured, being obliged to entrust the performance of some of those duties to other persons, to select such persons as he thought most competent to discharge them; and he subscribed, in every respect, to the character given by the hon. Gentleman to Mr. Muir. It was true, as the hon. Gentleman had stated, that a prisoner was not put upon his trial till his case was investigated before some local magistrate, and till such a body of evidence was adduced as would justify the committal of the prisoner. That being done the examination was submitted to those who acted with him in the office of Lord Advocate, and they saw if the evidence was sufficient to put the party on his trial. In the case of Mr. Walker, the public prosecutors were of opinion that the evidence adduced before the magistrate was sufficient to put him on his trial; but any person who watched the progress of trials, and particularly criminal trials, must be aware that the evidence adduced at the trial was not in all respects the same as that which the public prosecutor had reason to expect. In this particular case the trial proceeded with closed doors, under the authority of a statute which directed that this course should be adopted in cases where the evidence was unfit to be heard. And the charge against the Judge, as he understood it, was this, that during the progress of the trial there was an undue interference, not on the part of the presiding Judge, but on the part of the Lord Justice Clerk, who was said to have conducted himself in such a manner that a case was abandoned which ought not to have been abandoned, and that a party was allowed to go away who ought to have been convicted. He did not admit that a Judge had a constitutional right to stop the course of a trial which in the opinion of the public prosecutor ought to proceed. He thought nothing could be more conducive to the convenience of the public than that, when the Judge saw that the principal witness, on the credibility of whose testimony the main weight of the case rested, was unsupported, and that the other witnesses examined did not bear out the evidence—he thought nothing could be more judicious or less improper than the Court apprising the prosecutor of that fact, leaving him to decide whether he should take any further steps to establish the case. Undoubtedly in that case public opinion would sanction the prosecutor in abandoning it, he having the opinion of the Judges in favour of that course. Now the facts as they appeared on the record had been returned, and it would appear that the prisoner having pleaded not guilty, an interlocutor of relevancy was pronounced, that being the usual course of proceeding in the Scotch Courts under such circumstances, and forms of proceeding being settled and certain facts admitted before going to trial, the witnesses were then examined—the girl who was said to have been injured, the woman in whose house she lodged, and one or two others; and then after hearing the opinion of the Court the prosecutor abandoned the case. The prisoner was not heard in his defence at all—the time for that had not even arrived, and on the evidence as put forward by the prosecution the jury returned a verdict of Not Guilty. Now if, under such circumstances, the foreman of the jury who had returned that verdict, without hearing the evidence on behalf of the prisoner, had pronounced the man guilty, he could only say that he thought it most fortunate that the prisoner had not been tried and sentenced by that jury. If the jury had not returned any verdict at all it would have been the duty of the Judge to have dismissed him *simpliciter* from the bar, and he never could be tried again for that offence. They had two forms of verdict in Scotland—Not Proven, and Not Guilty;—and he had imagined that in that case the jury would have returned a verdict of Not Proven. It appeared that the clerk entered the verdict of Not Guilty, and read it to the jury, asking them if that was their verdict. No observation was made at the time the verdict was recorded, and the Protest to which the hon. Gentleman referred was not given in till the next day. There was no objection made to the Clerk of the Court entering a verdict of Not Guilty; and it appeared to him that nothing was more likely than that the Protest formed a portion of the waste paper which accumulated upon the Bench during the trial of criminal cases. It was said that the Lord Justice Clerk had improperly interfered in the case, but the House was probably aware, that while one Judge conducted the proceedings, the other sat beside him to give any assistance that might be requisite. In the particular case before the House both the Judges were of opinion that the evidence was not sufficient to sustain the case, and it was then suggested that the case ought to be abandoned. The Advocate Depute, however, thought it better to call further evidence, and accordingly the medical gentleman was examined, and the Court having then repeated its opinion that there was no case to go to trial, the Advocate abandoned it. He was stating these facts not upon mere opinion of his own, but upon the authority of the Advocate Depute himself, who had communicated with him upon the subject. The hon. and learned Gentleman read a letter from the Advocate Depute in which he stated that the evidence was not sufficient to support a conviction, and he had not pressed the case further. Now, that was the statement of the case from a person whose capacity for managing matters of that kind even the hon. Member opposite would not question, and under all the circumstances he really could see nothing to blame in the conduct of the Court or the prosecutor. The conduct of the Judge was said to be exceedingly overbearing, but he could not gather that such was the fact from the statement that he had just read. It was also said that he had been promoted over the heads of other members of the Bar, but he begged to say that that learned Lord had for nine years held the office of Solicitor General; that at that period he was at the Bar, and was then elected Dean of the Faculty—the highest honour that could be conferred upon him by his learned brethren. He had been for eighteen years at the top of his profession, and that he thought was quite sufficient to convince the House that he was no ordinary man. He did not think that the hon. Gentleman had established any grounds for the reflections he had cast upon that learned Lord, nor did he think that any case had been made out which called for the interference of that House, and he trusted they would feel it their duty to negative the Motion of the hon. Member.

Mr. *Wallace* believed Mr. Muir never intended to give up the case, and with regard to the Protest to which the learned Lord Advocate had attached so little importance, he had abundant reason to believe that the whole of the fifteen jurymen coincided in it. They said that it was not their verdict—that it had been put into their mouths, and they wanted more evidence to be laid before them. Now the unfortunate girl was turned out upon the world with obloquy upon her character, and without a fair panel; and the man got off without any punishment.

The House divided:—Ayes 36; Noes 149: Majority 113.

List of the AYES.

Arundel and Surrey, Earl of
Bellew, R. M.
Bouverie, hon. E. P.
Bowring, Dr.
Bright, J.
Busfeild, W.
Cobden, R.
Collett, J.
Cowper, hon. W. F.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, hn. J. C.
Easthope, Sir J.
Ellis, W.
Fielden, J.
Hastie, A.
Hill, Lord M.
James, W.
Langton, W. G.
McTaggart, Sir J.
Marjoribanks, S.
Morris, D.
Muntz, G. F.
Napier, Sir C.
O'Connell, M. J.
Ogle, S. C. H.
Pattison, J.
Pechell, Capt.
Plumridge, Capt.
Ramsbottom, J.
Stansfield, W. R. C.
Thornely, T.
Wakley, T.
Wawn, J. T.
Williams, W.

TELLERS.

Wallace, R.
Bannerman, A.

List of the NOES.

Adare, Visct.
Adderley, C. B.
Allix, J. P.
Arkwright, G.
Bailey, J.
Bailey, J. jun.
Baillie, Col.
Barnard, E. G.
Baskerville, T. B. M.
Bateson, T.
Bennett, J.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bradshaw, J.
Brotherton, J.
Bruce, Lord E.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Cardwell, E.
Christie, W. D.
Christopher, R. A.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Collett, W. R.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hn. W. H.
Denison, E. B.
Dickinson, F. H.
Disraeli, B.
Douglas, Sir H
Douglas, Sir C. E.
Drummond, H. H.
Eastnor, Visct.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Forman, T. S.
Fremantle,rt.hn.Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Graham, rt. hn. Sir J.
Gregory, W. H.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Hamilton, C. J. B.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hayes, Sir E.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hindley, C.
Hogg, J. W.
Holmes, hn. W. A'Ct.
Hope, hon. C.
Hope, G. W.
Hussey, T.
Hutt, W.
Ingestre, Visct.
Irton, S.
Jermyn, Earl
Jones, Capt.
Knatchbull,rt.hn.SirE.
Lefroy, A.
Lennox, Lord A.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
Long, W.
Lygon, hon. Gen.
McGeachy, F. A.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
McNeill, D.
Mahon, Visct.
Manners, Lord J.
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Miles, W.
Milnes, R. M.
Morgan, O.
Mundy, E. M.
Neville, R.
Newdegate, C. N.
Newry, Visct.
Norreys, Lord
Oswald, A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Polhill, F.
Praed, W. T.
Price, R.
Pusey, P.
Richards, R.
Round, C. G.
Sandon, Visct.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Shirley, E. P.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Somerset, Lord G.
Stanley, Lord
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Thesiger, Sir F.
Thornhill, G.
Trelawny, J. S.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Vesey, hon. T.
Waddington, H. S.
Walsh, Sir J. B.
Wodehouse, E.
Wortley, hn. J. S.
Wortley, hn. J. S.
Yorke, hon. E. T.
Yorke, H. R.

TELLERS.

Young, J.
Baring, H.

POST OFFICE—OPENING LETTERS.] Mr. *Thomas Duncombe* said, that he had to return his thanks to those Gentlemen who had given him precedence on the present occasion. He must say that at an early part of the evening, when this House was made at four o'clock, he did not then discover the great anxiety of the Government to have this matter discussed, as there were then none of the Government Officials present to request permission for him to be allowed to bring this question under the consideration of the House. There was not one single Member of the Government in his place at four o'clock, and the right hon. Gentleman the Speaker alone had made up the number to forty Members, so as to constitute a House. The right hon. Baronet (Sir R. Peel) might depend upon it that the public would never be satisfied unless the Committee were granted for which he was about to move. The public mind was filled with considerable disgust and alarming apprehension in reference to this matter, which was much increased by the tone in which the right hon. Baronet (Sir

J. Graham) had discussed this subject in the first instance. He knew not how the Government intended to meet his Motion. He supposed that they intended to treat it as a vote of confidence. He did not know whether the representative system were to be completely set aside and when any question was brought forward inconvenient to the Government, the Minister was to stand up in his place and to say that this was a vote of confidence. This question should be permitted to stand upon its own merits, and should not be viewed in the light of a vote of confidence. That was the way, however, they were latterly accustomed to see important questions treated in that House. He considered this most unfair and unconstitutional. Hon. Members would vote against his Motion, because it was made a vote of confidence, in a way which it was notorious they did not really mean. He did not know what answer would be given to those parties who had been aggrieved by having their letters secretly pried into. Were they to be told that they could go to law? If that were all the answer which was to be given to their complaints, it would be most unsatisfactory. The answer which the right hon. Baronet (Sir J. Graham) had given on this subject was considered by the public the most unworthy of a Minister of the Crown that had ever been uttered. Who was to go to law? Was it the Minister of the Crown? Who was to be the defendant on this occasion? Was it to be Mr. Mazzini, or others similarly situated? Why, he said, that there were hundreds of letters opened in the Post Office upon the authority of Government. He wanted to know who was to be defendant, and who were to be the witnesses for the persons whose letters had been opened? Was the right hon. Baronet (Sir J. Graham) to be the defendant, or the Postmaster General? Were his subordinates of the Post Office to be the witnesses? What chance under these circumstances could any man have in going to law? The law officers of the Crown would, no doubt, stand upon the technicality of their case, and would call on the complaining parties to prove their case. They might not have the legal proof, although they had the moral conviction that their letters had been opened. He said that such an answer was unworthy of a Minister of the Crown. The conduct of the Government would be tried at the bar of public opinion. He would not go to any attorney's office to seek for justice in this matter. It was a question between all the people of England and the General Post Office, acting upon the authority of the Government. The Motion he was about to make was for an inquiry into the general system, and was to the following effect:—

"That a Select Committee be appointed to inquire into a department of Her Majesty's General Post Office, commonly called 'The Secret or Inner Office,' the duties and employment of the persons engaged therein, and the authority under which the functions of the said office are discharged."

And in order to show that the Motion was not applicable to one particular case, he meant to add the general words with which he concluded his former Motion—viz. :—

"That the said Committee do report their opinion to the House, as well as upon the expediency of making any alterations in the law under which the secret opening, delaying, or detaining, of Post Letters is conducted."

Although the Motion was more general than the former one, he begged it to be distinctly understood, that he did not retract one single charge he had made against the Government on the question of opening letters. He had before maintained that an infraction of the law had been committed, and he had also stated, and now repeated, that he did not fix the abuse of the powers which were vested in the Government on the right hon. Baronet alone. He was not personally responsible. The Government must equally take the blame. He did not retract one single charge that he had made—viz. that within the last two years, there had been a most unscrupulous use made of the power vested in the Government in opening the letters of different parties, and to a very great extent; and he believed that if an inquiry were instituted, he should be able to prove, that, so far from the right hon. Baronet only having done what every Secretary of State had done since the time of Queen Anne, there had been more letters opened contrary to law within the last two years, than had been opened within the last ten or twenty years. He understood that there existed in the General Post Office, an office which was commonly called or known by the subordinates of the establishments, as well as by the superior authorities, as " the secret or

Inner Office." In this office these deeds of darkness took place. It was a sort of Star Chamber—a sort of Post Office Inquisition. Letters were carried into that place, where they were examined, and from thence a message was sent to the Home Office, and copies were taken of these letters, according to the value of their contents. Sometimes, he understood, a whole bag was taken down. When the mail arrived, the messenger said, "Give me such a bag. I want the Dublin bag," or "the Brighton bag," or some other bag. The bag was then handed over to him. He was informed, that this was the case, and he would prove it. The bag had been taken into this office, and kept there for an hour and an hour and a half, then carried back to the sorter, and delivered to the person who distributed the letters. These sorters did not know what had transpired in this secret office; they did not know how many letters had been opened or how many detained. The right hon. Baronet would not let him have a copy of the warrant, but he had seen a copy. He understood, and that was capable of contradiction if not true, that at this moment, day after day, the letters of foreign Ministers were opened and read; that at all events they went into some other office, and no one could tell whether they had been opened or not; but it was pretty generally known in the Post Office that the letters of Foreign Ministers were at this moment inspected, read, and examined, and extracts taken from them before they reached the hands of those Ministers. Were Foreign Ministers aware of that? If that was true, it required explanation. If it were guilty of conduct like that, it was a foul stain upon the honour of this country; and a foul stain it would be considered, at all events, in France, if the speech of M. Guizot was true, which he made the other day in the Chamber of Deputies. According to *Gallignani's Messenger* of Saturday last.

"M. Leon de Malleville said—It is with pain I have seen the accusation of the hon. Member of the British Parliament, Mr. Duncombe, republished in the *Moniteur* without any contradiction. The Ministers probably will be obliged to me for giving them this opportunity of declaring, in the most public manner, that the privacy of letters is respected by law and in fact; for it is to the honour of the Government of July to have shut the cabinet noir, and I sincerely hope it will never be re-established.

"M. Guizot (speaking from his place) said—The hon. Member who has just spoken, is quite in the right. In law and in fact, the privacy of letters is completely respected in France, and we have not thought it necessary (nor can any one think it is so) to contradict all the errors which may be uttered in respect to this either in England or elsewhere (very good.)

"M. Ayles.—Is the privacy of letters equally respected as regards natives and foreigners?

"M. Guizot.—Both as regards natives and foreigners."

That was the statement of the Minister of Foreign affairs in France. He took that as an official declaration, and, of course, he was bound to believe that it was true. Therefore, having said, in his place, as to the opening of these letters, that it might suit the air of France, Russia, or Austria, but would not suit the air of England, so he begged most humbly to apologise to the French nation, and to the French government, for this foul aspersion upon their character, believing, that if it were not true, M. Guizot would not stand up in his place and state that the secresy of letters was observed in France. The question was then brought within a narrower compass. It was said before that it was an un-English custom, but it now appeared to be peculiarly English, particularly in the way we carried it out; for he found that in Austria even, if not always, but nine times out of ten, whenever any letters were opened they were re-sealed with the government seal, by which it was known that they had been opened by authority. He had got proof of that. In May last a merchant ship, having brought many letters from Madrid, touched at a port of Dalmatia. The Austrian authorities took possession of the letters, broke the seals, read them, re-sealed them with the official seal, bearing the double-headed eagle, and gave them back with the words "opened by authority." And very often Ferdinand, Grand Duke of Tuscany, after perusing letters detained at the Post Office, was in the habit of writing underneath "Vidit Ferdinandus." In England there had never been an instance of any mark being made of a letter having been secretly read at the Post Office, but on all occasions the party was kept in ignorance of his secrets having been disclosed to the Government. It had been stated in another place, with regard to Mazzini, that only one warrant had been issued for one letter only of Mazzini's. The right hon. Baronet had never yet admitted that he had issued a warrant for the opening of Mazzini's letters. We had not yet arrived at that. He did not know whether they would get that out of him this evening. In his opinion he had already said too much, but having said so much, the public would not be satisfied unless he said more. A correspondent of the *Morning Chronicle* furnishing his name to that paper, and who was stated, on the authority of the paper, to be a most respectable individual, said—

> "The Duke of Wellington denies that Mazzini's letters were opened at the instigation of the Sardinian government. I am convinced when his Grace made that avowal that he felt convinced of the truth of it. But I can bring forward proof that the letters of this individual were detained and opened and copied, and which copies were handed to the Sardinian embassy at the request of 'an individual connected with the Sardinian government.' This is, therefore, a play upon words. This is, however, not all. The extent of this system is carried on wholesale, and perhaps rightly so; because if we oblige one country, why should we not do the same to all? What does it signify whether we open one letter or one hundred? The stigma is the same. The writer of the present letter has had several letters opened and detained, not even forwarded to the party; and this at the request of a very, very small state—or, to be better understood, at the request of its minister, or some one connected with the state as a 'goer-between.' These letters, being all relative to one subject, were all detained—I should say suppressed—of no political character, but certainly of a grave nature as regarded the judicial proceedings of the place respecting an awful calamity. This is an undeniable fact, as stated to me here by an authority, who charged me with having written about certain matters, although I was so friendly with them, &c. I therefore trust the country will insist upon the expunging this statute from our code; and until this is done I for one shall dispatch my letters through other channels than the British Post Office, or present designation, Spy Office.
>
> "Hamburgh, June 22, 1844."

It was said that only one warrant had been issued for the opening of one letter of this individual; but, notwithstanding all that had been stated in another place by a noble Duke, he was in a condition to prove that sixty or seventy letters had been opened. He repeated, again, that this had been going on for the last two years in the most unscrupulous manner. During the disturbance, in 1842, two individuals were sent into the manufacturing districts from this secret office—this Star Chamber. They went from place to place opening letters. Whose letters were opened God only knew—in all probability everybody's. He should like to know under what authority these individuals could act. There could not have been a special warrant for each opening; they must have had general orders to go into the manufacturing districts and open everybody's letters from whom they might collect any secret. The provincial post offices were not trusted with this odious task. It might be said that the reason for this was political commotion. Granted; admitting that you expected the whole of the manufacturing districts to burst out into one continued blaze, were you acting according to law in sending individuals down with that sort of general power? It was utterly impossible that either you or they could know the letters they were to open. He believed that a wholesale opening of letters took place. He had been so informed, and, if this inquiry were granted, he could furnish proof of it. He said also that bags were carried to the secret office. When a particular bag was wanted no one but those in the secret office knew whose letter was opened. After the letters were sorted, and they were in the hands of the letter-carrier for distribution, he was told to give the letters of such and such a street,—"I want the letters of the Albany," for instance. In 1842 the letters of the Albany were asked for. A great number of gentlemen lived in the Albany. His right hon. Friend the Member for Edinburgh lived there. The noble Lord the Member for Newark lived there in 1842. That was the way in which it was done in reference to streets, and that he presumed would not be denied. If it was denied there were individuals who would prove it. The House could well understand the difficulties with which he had to contend in unravelling this matter of the Post Office inquisition. Since this question had been first mooted in Parliament individuals had been called before the Post Office authorities, and told "at your peril say one word to any one who asks you questions." They had also been examined as to whether such and such a person asked questions, and at the present moment their lips were sealed. They were perfectly right in not uttering another word in reference to this transaction, but if a Committee were granted these persons would come forward and tell us the whole truth, and he was satisfied nothing but the truth, whomsoever it might affect. His other charge against the Government was, that they had opened letters at the instigation of Foreign Powers, and to a very great extent—the letters of Polish exiles, Italians, and other parties. What had this been done for? What had we to do with misunderstandings in Italy? How little was it known by foreigners that England was guilty of such treachery. Mazzini himself only the other day received a letter from one of his expatriated countrymen (the son of an Austrian admiral), who had taken refuge at Corfu, dated May 1, who wrote thus. Perhaps the right hon. Baronet had seen this letter. He said, "Now that I have got my foot upon British soil, relying upon the well-known loyalty of Englishmen, you may write to me in my own name." Poor deluded man? What did he do in this letter besides? After congratulating himself that he had arrived on English soil, he thanked the individuals who had assisted him in his escape. These names were found in this letter, the letter was handed over to the Austrian government, and these individuals were immediately thrown into prison; they knew not why nor wherefore. At this moment fifty or sixty individuals were in prison, and it was generally suspected, now that the thing was unravelled, that they were suffering imprisonment in consequence of the base information of the British to their ambassador, and communicated by the ambassador to his own government. There was no *habeas corpus* in those countries, and these individuals were obliged to remain in prison, until by torture or protracted incarceration they could be induced to make a confession. He had said so much on this subject the other evening, that he was unwilling to trespass longer upon the House; but he said that there was a feeling in the public mind which required satisfaction. The position in which the question now stood was neither satisfactory to the public honour, creditable to the House, or honourable to the Government. He wanted the truth, the whole truth, and nothing but the truth; and not, as the right hon. Gentleman had attempted on the former occasion, a desire to mystify the subject by saying that he had issued a warrant for opening the letters of one of those individuals who had presented petitions, but he would not say which, and that the petitioners had no reason to complain, as the warrant no longer existed, for he had withdrawn it. With regard to Mazzini, if it was necessary to examine his letters at all, there was just as much reason for continuing to examine his letters now as there was when you withdrew the warrant; and that you must therefore, have withdrawn the warrant because you were apprehensive of the exposure that was about to take place. As to the other three individuals who you said had no reason to complain—that was partly true, for he did not believe that the letters of these individuals addressed to them at the Post Office had been opened. He had no proof of that; but of this he had proof, that letters addressed by those three individuals to Mazzini had been opened; and they had a right to complain, because, until the letters came into the possession of Mazzini, they were still their letters, and, therefore, they had a right to complain that their secrets should be known. As to the letter of Lovett to Mazzini, the stamps on it proved that it had been opened, as certain as it could be proved that the right hon. Gentleman had his hat on. A great number of the letters were written merely as a trap. This opening of letters had been suspected for two years, and therefore it was thought right to try a few experiments. There was a paragraph in one of the letters which said that the Emperor Nicholas was coming over to this country, and that his reception, particularly amongst the middling and working classes, would not be flattering or complimentary. The next morning there appeared in one of the papers an authentic contradiction that the Emperor Nicholas was coming to this country; but, notwithstanding that, five days afterwards he did appear, and to the great astonishment of these individuals who had read the paragraph stating that the Emperor Nicholas was not coming. He did not say that that was any proof that these letters were opened; but it was an extraordinary coincidence. Of course it would be no proof in a Court of Law, but he wanted the right hon. Baronet to satisfy the public that the letters of those persons who were not suspected of a treasonable design were not unscrupulously opened, and that there had not been a gross breach of confidence committed in this great department. The right hon. Baronet as a Minister and paid servant of the public, was responsible to the House. The establishment of the Post Office was a source of revenue to the country and a tax on the people, it was a monopoly, and people were compelled to send their letters through the office, if they did not, they were liable to a penalty. Were they only compelled to send their letters through the office in order that the Government might examine them? If it were intended to continue to open the letters of the people, proclaim it. He found no part of the Act of Parliament which authorised the opening of letters, which justified the committal of a forgery and fraud; there was undoubtedly a power to detain and delay the letters, but there was no authority to reseal them and commit a fraud. The Solicitor General was in his place, and he hoped to hear from him the construction which he put on the Act of Parliament, whether it allowed the opening of foreign ministers' letters by a general warrant, and then afterwards, on notice sent down by the Secretary of State, without any warrant at all. He maintained that this question could not rest where it was. He hoped he had made out a *primâ facie* case for inquiry; it would not do to entrench yourself behind the solemn official silence which you had recourse to on a former occasion; nor would it satisfy the country or the public, to be supported in that solemn silence by a majority, which appeared ready to carry you through any act of this sort, which was most odious and offensive to the people.

Sir *James Graham*: Sir, I am obliged to the hon. and learned Member for Bath for not following the hon. Gentleman, who has just sat down, and I am sure that the House will feel that I am entitled to a hearing immediately after that hon. Gentleman. Sir, I am most anxious that the House should believe the assurance I now give that on the part of Government there was the most earnest desire that this discussion should not be postponed, and that a House should be made. Sir, if any Member of the Government was more anxious than another upon the subject, I am that man, and I rejoice in the opportunity now given to me of addressing you. The hon. Gentleman says he imagines that Government are about to call for a vote of confidence—of blind confidence—that it is our wish to conceal some portion of the truth, and to mystify the House, as, on another occasion I am charged with having attempted to do. Now, Sir, I may appeal to the House whether it be not in a great measure owing to my frank disclosure of the truth that this question is now under discussion. I say I might have given an evasive answer, which would have baffled inquiry, but I scorned any such subterfuge. In honour I could not have given any such answer. Having issued more than one warrant, I was bound in honour to say so and to reject every evasion, whatever might be the consequences personally to myself. Conscious, that I have so acted, I think it is somewhat hard to say that I attempted to mystify the House. The hon. Gentleman expects that I shall again say to-night, that if anything illegal has been done, a legal remedy lies open to the party aggrieved. Now, Sir, that was not an improper, although it might have been an unsatisfactory answer. I think it was a just and constitutional answer; and I cannot conceive any illegal act committed—any great injury inflicted by a public servant of the Crown, in respect to which the laws does not provide a remedy and redress. But, however that may be, the answer having proved unsatisfactory on a former occasion, I am not about to repeat it now. The hon. Gentleman has said that this is a question between the people of England and the Government whatever in its early stage the question may have been, I admit that it has now assumed that aspect. On a former occasion I said that I had not undervalued the importance of this discussion from the first. I said that it was a question, involving great national interests, and naturally exciting deep national feeling. I repeat that I so regard it. I consider it a question of grave importance, and it is my intention to prove that I so consider it. I repeat that the hon. Gentleman has correctly treated it as a question between the people and the Executive Government. But the hon. Gentleman has said more. He has said that within the last two years—he has specified the period—within the last two years there has been a most unscrupulous use of this power on the part of the Government; he has designated it a use contrary to law. A more grave charge cannot be preferred against any Government by any Member of Parliament. [Mr. *T. Duncombe*: I used the same words on the former occasion.] I must really beg the hon. Gentleman not to interrupt me—I did not interrupt him. I was about to state that, important as the subject is, its importance is considerably magnified by the assertions which have been made on a former evening here and elsewhere, and which have been circulated by the press throughout the country, and it has still further increased in magnitude this evening, by the bold assertions and assumptions now for the first time made by the hon. Gentleman himself. He says it is notorious that, as the mails arrive, a call is raised from the secret office for the Brighton bag or the Dublin bag; then for individual letters, addressed to particular persons; and at last he went the length of saying that he believed that everybody's letters were opened. I took the hon. Member's words down. If I am wrong, I am open to correction after I sit down, but I really must appeal to the House for an uninterrupted hearing. The hon. Member asserted, that first there was a cry for certain bags whenever the mails arrived —then that demands were made for the letters of whole streets—he specified the Albany as an example, and then he went on to say—I am sure the hon. Member used the expression—that everybody's letters were opened. I am sure that he used the expressions that the opening of letters was wholesale—that it was difficult to unravel the mystery—that I had attempted to mystify the House—and that I had already said so much that I must now say more. I am disposed to agree with the hon. Gentleman that the time has arrived when it is my duty to say more. When I consider the state of the public mind—so sensitive—so honourably sensitive upon this subject—when I consider the efforts which have been made to inflame it, assiduously made, successfully made, designedly made, to create a false prejudice —I agree with the hon. Gentleman, that the time has arrived when I must say more— when it is my duty to say more—and when I am resolved that the truth, the whole truth, and nothing but the truth shall be disclosed. Now, Sir, when I last addressed you on this subject, I addressed you under circumstances very different from those which now present themselves to my consideration. My immediate predecessor in the office which I have the honour to hold had stated, in the most solemn and positive manner, in his place in Parliament, that he believed that the power given to Secretaries of State as to delaying and opening letters, was a power necessary for the safety of the State, that it was exercised on the responsibility of the Secretary, that he himself had exercised it, and that he had no reason to believe that I, his successor, had used the power in a manner inconsistent with my duty or different from the manner in which my predecessors had employed it. It was under these circumstances that I addressed the House when the hon. Member last made his Motion, and when I followed him in debate. Are these the circumstances under which I now address you? Sworn servants of Her Majesty, Privy Councillors, versed in affairs of State, conversant with the habits of office, well knowing what it had been their duty to do, and what their predecessors had done have thought fit deliberately to impugn my conduct —the right hon. Member for Edinburgh for one, has not thought it unbecoming his station and abilities—possessed as he is of powers of declamation perhaps hardly equalled in this House, he has not thought it unbecoming of him to come down—I fear not without preparation—and to pour forth the most impassioned language; pointing out to the indignation of the House and the public— not the law—not the system—but me, the Minister of the Crown, acting in the discharge of an official duty, well known to my predecessors and exercised by them. He said, I think, that it was not to the legal existence of such a power that he objected, but to the departure from the established mode of its exercise—to the manner, in fact, in which I had employed it. Did he stand alone? Did no other sworn Councillors of Her Majesty say the same thing? What was the tone of the noble Member for Sunderland? These Members might not, indeed, be conversant with the details of the administration of the office I have the honour to occupy, but I see in his place the noble Lord the Member for the City of London, not my immediate predecessor, but one who held the Seals of the Home Department for several years; he knows the practice of the office; he knows what he did in that office; yet he also did not think it inconsistent with his duty to vote in favour of a Motion for inquiry, not because he objected to the existence of the legal power, but because, forsooth he said he was of opinion that it had been exercised by me not in the accustomed manner, and according to usage. What, let me ask, has been the inevitable effect of the Motion so made and so supported? To induce a conviction that I labour under a stigma peculiar to myself, of either having introduced a new practice, or of having departed in some important particular from precedents long established, not only by the practice of my immediate predecessor, but of my predecessors from an early period. I will tell the House frankly that, however, unworthy the attempt thus to crush any individual who is a political opponent; there is no load of obloquy to which I would not submit in silence if I believed it was for the public good that investigation should be withheld any longer. But after what has taken place within the last ten days —after the votes given on the former occasion by the noble Members for London and Sunderland, and by the right hon. Members for Edinburgh and Devonport, all Cabinet Ministers, and by other Gentlemen, some more and some less conversant with the practice of the executive Government, I do say, that, the maintenance of this power without inquiry is impossible, and that a full inquiry may now be made without any sacrifice of what is due to the Crown or to the public, while it will relieve me from calumnious surmises and an unjust load of obloquy: it may be made, too, without any additional risk to the legal power, which is now not only endangered, but positively destroyed by what occurred on the former occasion, and especially by the speeches and the votes of those, who had served Her Majesty in high and confidential offices. I can now indulge my private feelings consistently with my public duty, and I can be a party, ay, and I will be a party to the most searching inquiry into the state of the law and the practice from the earliest period down to the latest moment. As far as I am concerned, nothing whatever shall be concealed. I am prepared to go before a Committee, and to give evidence stating fully every thing that I have done in concurrence with my Colleagues, and every thing that has been done by my predecessors; and in order that there may be the most complete and entire revelation, I will propose terms so general as to ensure a thorough investigation. The power given by law is not confined to England and to the Secretary of State, for it belongs also to the Lord Lieutenant of Ireland; and I hope that the inquiry will be extended to the exercise of the power by him. All I wish is, that the inquiry may be as full and complete; and the result will be, as far as I am concerned, that the power has been exercised in the strictest conformity with the established usage of my office. That usage has not only been recognised by the State, but by various Reports of Committees of this House the practice has been brought under the special and immediate notice of Parliament and of the public. It has been recognised by the State more than once, even at a recent period, on the consolidation of the statutes relating to the Post Office. It will appear, also, that neither in the mode, nor in the extent of the use of the power, can my conduct suffer by a comparison with that of my predecessors, and I am rejoiced to think that there is now, at least, an end of all mystification; and the course I am about to recommend will be not less satisfactory to myself than to the Friends who sit around me. It is my intention to propose an Amendment to the Motion of the hon. Member for Finsbury. I stated on a former occasion, that I did not think a revelation in this House of all the details connected with the exercise of this power would be conducive to the public good, and I retain that opinion. I do think that there must be an inquiry, not before a Select Committee, but before a Secret Committee, the Members to be nominated by the House. I think it expedient, following the course of precedents, that a Secret Committee shall be appointed, for the purpose of conducting the inquiry to the full extent I have stated. It is of the last importance that the powers to be given to that Committee should be ample; but if a full revelation is to be made, the evidence given must not be disclosed. Much will depend upon the composition of that Committee; but above all, I am anxious that no delay should take place. Considering the importance of the subject, and the state of the public mind, the inquiry ought to be commenced without the loss of a day. I know not whether the strict rules of the House will permit it, but I mean to move the following words as an Amendment:—

"That a Committee of Secrecy be appointed to inquire into the state of the Law in respect to the detaining, and opening of Letters, at the General Post Office, and into the mode in which the authority given for such detaining and opening has been exercised."

There were some words at the end of the Motion of the hon. Member for Finsbury to which I should not be disposed to object; but I apprehend that the terms I have used will fully accomplish his views, and I shall add the usual power respecting sending for persons, papers, and records, and for reporting their opinions and observations to the House. I admit that the point of the greatest importance is the composition of the Secret Committee. I can conceive no higher trust delegated by the House to any of its Members; and for myself and my Colleagues, I may add, that we are anxious that the Committee should be impartially selected: in proof of that wish I may say that I am not disposed on this occasion to weigh the politics of any hon. Gentleman in the balance. I shall propose a Committee of nine, and five out of these nine should consist of Members generally opposed to the measures of Government. I will read the names, and first the four Members who usually vote with the present Administration. They are—Lord Sandon, Mr. Home Drummond, Mr. Thomas Baring, and Sir William Heathcote. The other five Members who are generally opposed to Ministers are these—Sir Charles Lemon, Mr. Warburton, Mr. Strutt, The O'Conor Don, and Mr. Ord, Member for Newcastle-upon-Tyne. Permit me for one moment. I have carefully excluded from the list every Gentleman on either side of the House who is or who has been connected with office. Having excluded them, I may add, without any personal disrespect, that I look upon the hon. Member for Finsbury in a particular manner as the accuser on this occasion, and I think that both the accuser and the accused had better be excluded. To this Committee I gladly submit my personal honour and my official conduct, and I make the submission without fear. Though very dear to me, my honour is comparatively of small consequence in a question of this sort: I intrust it to them: I place it in their power, and I await their judgment, reserving always an appeal to this House. They will have to report upon the usage of the office, and upon the state of the law which has existed from the earliest times, and which has been sanctioned by the authority and practice of men long since gone to their great account—great constitutional authorities, men of spotless honour in private life, who dearly loved the liberties of their country. I have no doubt that the Members of the Committee will faithfully discharge their duties, and although there has been some evil in the late discussions, and in the agitation of the public mind on this subject, yet I hope, believe, and pray, that good may be the ultimate result. With this feeling, and with this confident expectation, I beg leave to propose my Amendment.

Mr. *Sheil* had only one remark to make, and that was, to point out the extraordinary circumstance of a Secret Committee being appointed to determine the construction of an Act of Parliament, and yet not one single member of the legal profession was nominated to serve on it. There was also, if he apprehended the right hon. Gentleman rightly, to be instituted a searching inquiry into the practices of the secret department of the Post-office; the officers and subordinates of that department were to be called before the Committee and to be examined; and yet there was no person to be found in the list of the Committee read by the right hon. Baronet who was competent to examine such functionaries, or to draw from them the details which it was the special business of that Committee to report upon. If it were wished that this inquiry should be as full as it had been admitted it ought to be, such precautions as he had pointed out ought surely to be taken to secure that result. He had observed the wish expressed by the right hon. Baronet to have the conduct of his predecessors in office subjected to the same scrutiny as his own. They were, he admitted, as much implicated in the inquiry as the present Ministry. The right hon. Baronet had said they were as criminal as himself and Colleagues, was it not, he would ask, fair for each party that members should be appointed on the Committee competent to sift and to arrive at the truth? It might be that his professional predilections had some effect upon his opinion in this matter, he could not divest his mind of the belief that an Act of Parliament should not be made the subject of inquiry before a Committee of that House unless some of the Members of that Committee were qualified, as lawyers, to investigate the subject.

Sir *G. Grey* said, that as the right hon. Baronet had thought proper to allude to the vote which he had given on the former discussion of the question before the House, he wished to disclaim in the strongest manner possible any participation in the attempts—attempts which the right hon. Baronet had imputed to those who voted as he had done—to run him down, or to excite the public indignation against him as Secretary of State for the Home Department. In answer to this charge he should only refer to the arguments which he had used upon the occasion referred to. He had stated to the noble Lord opposite, who had accused the Members of the late Government of a wish to bring the details of the Post Office before the House, and of acting unfairly in that respect, that the grounds upon which he should vote in favour of the Motion of the hon. Member for Finsbury were not as to each particular case in which the right hon. Gentleman had exercised the power confided to him, but on the broad principle upon which that power was exercised. He had distinctly stated his objection to be that the power having been conferred for one purpose had been converted to another. He had observed that whilst the power of opening letters was conferred for the sole and express purpose of guarding the Throne and the Constitution from apprehended and secret dangers, the charge brought by the hon. Member for Finsbury against the right hon. Baronet was, that he had exceeded the power given him by law, in opening the letters of individuals at the instigation of foreign Governments, utterly unconnected in this respect with either the Queen or the Constitution of Great Britain. That was the single ground upon which he had voted, and the right hon. Baronet would no doubt bear him out in the assertion that such was his declaration at the time, for he had added at the close of his observations, that if the right hon. Baronet disavowed his having acted in the manner imputed to him, he would cheerfully vote with him. Now, he begged to say that he entirely approved of the course which the right hon. Baronet had adopted with respect to the Motion before the House. He did not mean to say that he was ready to adopt the specific terms in which that Amendment was couched; that was an immaterial consideration, because, as he understood the right hon. Baronet, the inquiry was to be a full, fair, and impartial one. He therefore gave the proposition of the Government a ready assent, nor did he think, under the circumstances, that the appointment of a Secret Committee was a wrong step. He did not know what the feeling of the hon. Member for Finsbury upon this point was, but as the terms in which the Amendment was proposed expressly said the inquiry was to be a full and a fair one, he supposed there would be no objection to the course suggested. With respect to the members of the Secret Committee, he should avoid expressing any opinion upon that subject, as the moment had not arrived at which they could, consistently with the rules of the House, be read from the Chair. If the House approved of and assented to the Amendment, the names proposed to constitute the Committee would, according to the usual form, be placed upon the Motion Paper, and thus be subjected to the consideration of the House. The House would meet, he understood, at twelve o'clock on the following day, and surely the right hon. Baronet did not mean to say or to imply that any discussion upon the construction of the Secret Committee would then take place, and it was scarcely worth while to violate one of the most important rules of the House in order to gain twelve hours. Besides, if the House met at twelve o'clock, the Committee might be constituted, and commence its sittings by two o'clock, and the gain of two hours was not worth the sacrifice at which it would be attained. As far as he could judge from the hasty consideration which he had given the subject, the construction of the Committee appeared to him to be perfectly fair. His only objection was the absence of any hon. Member of the legal profession. [*A Voice*: "There is one."] He begged pardon, there was one hon. Member a lawyer, and it was extremely desirable that this advantage should not be confined to the portion of the Committee selected from the other side of the House; in fact, this circumstance afforded a proof of the inexpediency of naming a Committee before the names of those Members who were to constitute it had been sufficiently considered by the House. He rejoiced to find that the right hon. Baronet, after the reserve in which he had wrapped himself, as to the mode of exercising the power reposed in him, had adopted another tone; and he agreed entirely in the fairness of the proposition which he had made. He agreed that the inquiry ought not to be restricted to the period since the right hon. Baronet had tenure of his office, and he was sure that not one of the right hon. Baronet's predecessors in the post which he then held would shrink from the fullest and most searching inquiry into the manner in which they had exercised the powers vested in them. After the assertions made by the hon. Member for Finsbury, such investigation was, he felt, necessary. He had already stated his reasons for deferring the nomination of the Committee; he hoped the right hon. Baronet would not, by persevering in pressing that point, drive the House into a discussion as to the names of the Members who were to compose it, but that he would let the matter take its regular course and suffer the Committee to be nominated at the sitting of the following day, by which time ample opportunity would have been given for considering the subject.

Mr. *Roebuck*: There is one point of great importance to which I wish to call the attention of the House. The object of appointing a Committee is to produce a feeling of security in the public mind, which feeling has been much shaken by what has recently occurred; I believe that the right hon. Baronet desires a thorough scrutiny into the whole matter of which we are talking, in order to create security out of doors. First, we have to ascertain what is the state of the law; and great doubts exist in the minds of the most learned lawyers; the next inquiry will be, how that law has been administered? By whom has it been departed from, by whom acted upon: thirdly, we have to consider what the law ought to be. Security being the end in view, I ask the House whether that end is likely to be attained by means of a Secret Committee? I know the difficulty, and I admit at once that the inquiry ought to be carried on with closed doors; but what I wish to secure is the complete and perfect publication of the evidence. The law in this case is doubtful, and after what has passed elsewhere, with most learned Lords on one side and with learned Lords on the other, you are about to appoint a Committeee—a Committee of very capable and perspicacious persóns certainly—but not especially acquainted with the law. Let me first call your attention to the written law. By an Act of Parliament, 9th Anne, certain powers were given to the Post Office, and I direct my observations particularly to my hon. and learned Friend the Solicitor-General. Into that statute a proviso was introduced, by which persons opening letters by warrant from the Secretary of State were freed from the penalties of the Law. Since then, the 9th Anne has been repealed, and an Act was passed, I think in 1837, by which certain powers were given, and into which a proviso was introduced. I am stating the contents of the Statute, as far as I can understand them, and I have learned authority for what I am about to state, viz.: that the proviso protecting persons who opened letters gives no power to the Secretary of State to issue warrants. If he have any power of the kind it is at Common Law. I will take the liberty of reading the Statute, for it is short. [Here the hon. and learned Member read the terms of the Post Office Consolidation Act, and then proceeded.] As to the Common Law right, I have to direct the attention of hon. Members to the authority of no less a person than Lord Camden, then Chief-Justice Pratt. in reference to the seizure of Wilkes's papers. He begins by saying:—

> "Papers are the owner's goods and chattels. They are his dearest property, and are so far from enduring seizure, that they will hardly bear inspection."

And from thence he goes on to assert distinctly that the law gave magistrates no power to seize on individual's papers:—

> "Therefore (added Lord Camden) it is not too much for us to pronounce a practice illegal, which would be subversive of all the comforts of society."

This is precisely the same case. I maintain that it is a legal question, and I want to know who are to inquire into it? I can read the law here as well as my hon. and learned Friend opposite—I mean the words of it, but I want persons to be appointed who will attract confidence to the report on the question what the law really is. The next question for them will be whether it has been adhered to, and the third what it ought to be? The hon. Members to be appointed would be a competent jury on the second point, if they were duly instructed what the law is. A judge, on a trial, tells the jury what the law is; but here we are in doubt what the law is, and the condition on which it exists. Out of doors there are various opinions among learned persons, and I do not think that this Committee is likely to deserve the confidence of the

House or of the country, especially when it is to be a Committee of Secrecy. I beg to assure the right hon. Baronet that I fully sympathise in the feelings he has expressed. I fully believe that advantage has been taken of this incident to call down public indignation upon an officer who has done nothing more than tread in the footsteps of his predecessors, and that this opinion has been aided and created out of doors by all the vile arts which attach to the daily papers of this country; a fouler instrument of calumny cannot be found, and all its foulness on the present occasion has been poured on the head of the right hon. Baronet. I will not do honour to one more than another of these detestable channels of public information, by naming any one of them. I beg to add, that I am delighted that an enquiry is to take place, and I am convinced that when the public and the country come to understand what the power is, and how it has been exercised under all administrations, when you lay bare all its hideous deformity, it will be consigned at once to destruction. It is a power not necessary for the safety of the country, not necessary for the peace of the world, and only used to gratify base passions and for party, disingenuous, and detestable purposes. It can be of no use to an Administration which rests on the affections of the people, only bent upon a just and straightforward course, far above all inquiries into the privacy of individuals, and aiming at the government of a nation perfectly free in the performance of all those acts which society considers harmless and useful. I hold in my hand a paper which is well worthy of attention. The hon. Member for Finsbury told us that M. Guizot in his place had thought fit to say, that he did not believe that any breach of the privacy of letters had been committed. I hope that the statement is accurate, although I have not myself perfect faith in it: as far as I am concerned, I do not attach much credit to that piece of information, for I believe that the practice prevails now as formerly, and, I hold in my hand a very remarkable letter relating to the proceedings of the French Post Office from Carnot, who was minister of the interior during the Hundred Days: it may be taken as a warning to us at present, and, with the permission of the House, I will read it in English. [The hon. and learned Member read the letter, which was addressed to a prefect of one of the departments, and protested against the violation of the privacy of correspondence as directly contrary to the wishes of the Emperor. It referred to the practice which had prevailed on this subject in 1787, insisted upon the propriety of abandoning it, and called upon the prefect "to pursue, with the utmost strictness, those who, by opening letters, violated the law and the most sacred rights of man."] I beg especially to direct the notice of the House to the last words of the letter of Carnot, in 1815, "That the thoughts of a fellow-citizen ought to be as free as his person." I sincerely believe that as an instructed people, long conversant with the blessings of established and regular government, we are not yet reduced to the fatal necessity of employing such degrading and disgraceful means of protecting the public interests.

Mr. *Labouchere*: I am anxious to take this opportunity of making some explanation upon a point with reference to what took place in this House, but still more, in another place. As it is a matter of a personal character, I hope that the House will indulge me for a few moments. It has been asserted that in 1837, in consolidating the Acts relating to the Post Office, the Government with which I was connected not only gave fresh sanction to the power now under discussion, but actually pushed that power to a further extreme. I beg to say, that if such were the case, it was my own individual deed, for which I alone was responsible. Let me remind the House that, in 1837, I was a member of the Post Office Commission, and it was signified to me that it would be a great public convenience if the 187 Acts relating to that department were consolidated. This was repeatedly urged upon me, among others, by the hon. Member for Greenock; and I undertook the task upon one condition, viz., that the Bill was to be treated as one of mere consolidation, and time was not to be consumed by debates upon the merits of the different enactments. The hon. Member for Greenock kept his undertaking with the most honourable fidelity, and allowed the measure to pass as one of consolidation. I stated at the time that no Member was pledged by any of the provisions—nay, more, that I was not myself pledged by any of them. Therefore it has not been truly and fairly stated that fresh action was given by me to this power by what was a mere consolidation. The hon. Member proceeded to state, that having himself been employed in conjunction with professional gentlemen of high eminence, in effecting a consolidation of the Acts relating to the Post Office, he was enabled to state that no alteration had been made in the new Act with respect to this power of opening letters. These were the facts of the case. Those intrusted with this duty had found one set of words in the Irish Act which gave this power to the Lord Lieutenant, and the Chief Justice in his absence, in Ireland. There was another set of words in the English Act, giving this power to the Secretary of State in England, and the words of the Irish Act were adopted, instead of those of the English Act. No new words were inserted: they merely adopted the Irish words, and applied them in England when it became necessary to consolidate the laws on this subject. His belief was, that they had in no degree altered the law or rendered it more stringent as against the subject, and that they had given no increased power to the Secretary of State by this consolidation. He believed he was not misstating the case, but if it should be found that he was, he hoped he should be acquitted by the House of having misstated it intentionally. If the case were otherwise, he (Mr. Labouchere) was responsible; the error, if error there were, was his alone; and neither the Government with which he was connected, nor the Law Officers of the Crown who had taken upon themselves the duty of drawing up the Act, could be held responsible. He had discharged, to the best of his ability, the duty which he was bound to perform, and he should be extremely sorry to have it supposed that he had availed himself of that opportunity to insert words giving to the Government a new power which it had not possessed before. He heartily rejoiced at the course which the right hon. Gentleman had taken upon the present occasion. The right hon. Gentleman, alluding particularly to the speech made by his right hon. Friend the Member for Edinburgh, seemed to suppose that those who had been the servants of Her Majesty in the Privy Council must have had knowledge of the circumstances attending an exercise of this power. Now, he had had the honour of serving Her Majesty in the Privy Council, and yet he knew no more about it than any other Member of that House. He knew nothing of the circumstances under which the noble Lord (the Member for the City of London) had exercised this power, while he had that entire confidence in the honour and integrity of the noble Lord, that he was satisfied the noble Lord would not shrink from instituting this inquiry any more than any of his late Colleagues. He was therefore speaking now as any other Member of the House might have spoken. He confessed that he had entertained the opinion which he expressed when this subject was first discussed, that it was fitting that on grave and serious occasions the Government of this country should have the power of opening letters; yet, the more this discussion went on, the more obstinately the Government have declined to make any statement of the circumstances under which the late exercise of the power had taken place, and the more that the fact had been made public by the press, the more he had felt that it was absolutely necessary for the honour of the country that the subject should be examined into. He had been a good deal shocked to find it stated that Mr. Fox had, in 1782, in so general a way, opened all the dispatches of the Foreign Ministers in this country. He could not believe that there was any real public object gained by exercising a power of this description, anything which could be put in competition with the honour of this country, or with the obligation of preserving the sanctity of the seal. If it were known that the power was exercised, of course the Foreign Ministers would take good care not to send any of their dispatches through the Government Post Office. He could not, therefore, believe that there could be any State necessity for exercising this power in this general and sweeping way. On the other hand, he could conceive cases in which it might be the duty of the Government to exercise a power of this kind. If, for instance, there was reason to suppose that the life of the Sovereign was in danger from some plot, and the only way of detecting it was by opening a letter, would any one contend that it was not the duty of Government to exercise the power? But he rejoiced that the whole question was to be submitted to an impartial tribunal, and he was satisfied that nothing but good would result. The hon. Member for Bath appeared to him, while generally coinciding with the course proposed by the right hon. Gentleman opposite, to raise one objection, which, he confessed, he did not think very well founded. The distinction between a Secret Committee, and one with closed doors, did not appear to him (Mr. Labouchere) to be of much importance. It seemed to be generally felt by the House that this should not be an open Committee, constituted in the same way as Committees of that House were in ordinary cases. There was no reason to run away with a prejudice against a Secret Committee as being very different in its nature from one with closed doors. He apprehended that the only distinction was this, that a Secret Committee would have the power of excluding, besides strangers generally, those who were Members of that House, while a Committee, with closed doors, had not the power of excluding Members. The Members of the House formed a very numerous body, and it was possible that those who would be most anxious to obtain admittance to the sittings of the Committee might be the very persons whom, if secresy were the object, it would be most desirable to exclude. He did not see why Members should claim for themselves a privilege which they refused to the public generally. He, therefore, quite concurred with the right hon. Gentleman on this point. He concurred in the remarks made by by his hon. Friend near him, relative to the employment of lawyers on the Committee; but it seemed to be forgotten that one of the proposed Members, Mr. Home Drummond, was a very able and experienced lawyer. He had filled the office of Deputy Advocate in Scotland, and was as well trained and thorough a lawyer as any in that House. If they adhered to the rule of employing lawyers, it would be proper to retain his name on the Committee; if not, his being there was of course inconsistent. He could not conclude without expressing his persuasion, that if Government had frankly stated on the previous occasion, their views as to the exercise of this power, which the people out of doors naturally looked upon with great jealousy, public resentment would never have reached such a height, and that the only course to be taken for the purpose of allaying it was to allow a complete and searching inquiry to be instituted into the circumstances of the case.

Sir *R. Peel* said, Sir, I must observe, in the first place, that I cordially and personally share in the satisfaction expressed by my right hon. Friend, that there will be an opportunity to give the fullest information on the subject of the most invidious power of detaining and opening letters. I say, I heartily rejoice in it, because the acts done are not the acts of an individual Member of the Government, for them I consider the whole Administration responsible; and that it is not just and not fair, that he upon whom the law imposes this painful duty should bear the whole responsibility of it. These acts are done with the general cognizance and authority of the Government, and individual Members of the Government ought not to be made responsible for them. Sir, the great object for which the appointment of this Committee will take place, is, that there may be full and complete information as to the length of time the usage has prevailed, and the circumstances under which this authority has been exercised, and that there should proceed from that Committee, an opinion whether or no in the case of any particular Administration this power has been perverted from the purposes for which it was granted—whether it has been used for the promotion of private interests, whether it has been used for the gratification of private curiosity, or the indulgence of private malignity, or whether the great purposes for which the power was given, namely, the maintenance of the interests of the country, has been all that has been regarded by those who have exercised it. That was the great object we had in the appointment of this Committee. We left out all lawyers purposely, after consideration. We thought it right to state the origin of the law, and in what manner the law had varied from time to time; but we thought that we should be justly charged with diverting from public attention the real object of this Committee, if we had put upon it any lawyers to squabble about this or that construction of the law. Let us discuss that at another time. If we had put any lawyers upon it, whom should we have named? Without reflection upon anybody, the men best qualified in the opinion of all, would, probably, be those who had filled the highest offices under the late Government as well as under the present Government. I presume that that would have been the general opinion, without any reflection upon any other lawyer. Upon any legal Committee the names which would carry most weight, would, in all probability, be the names of the hon. and learned Member for Worcester, and my hon. and learned Friend the Member for Exeter, not from any personal preference to them, but because the one was Attorney General under the late Government, and the other is Attorney General under the present Government and then suppose they differed upon any legal point? I cannot then but think, that if we had appointed a Committee to hear those two learned Gentlemen squabbling about the legal effect of any particular Clause, we should have been justly charged with diverting its attention from that which is the main object—a full inquiry into the principles upon which we have acted, and the objects we have had in view. And if great and learned lawyers differ in the House of Lords, as I understand they do, upon any particular point, I am very much afraid that the Report of any Committee of nine Gentlemen assisted by two lawyers, would not be very satisfactory as to the operation of the law. But that is not the point on which the English people wish to be satisfied. If we had appointed those two Gentlemen we should have departed from the principle to which we wish to adhere—to exclude men in office, or candidates for office, and to appoint upon this Committee only men of experience and of high public character; and I think the men we have named are enlightened enough to come to a judgment upon the real facts of this case without the aid of the hon. and learned Member for Worcester, or the hon. and learned Member for Exeter. I hope, therefore, that the hon. and learned Member for Bath will not call for the appointment of lawyers upon the Committee. At the same time, it will be consistent with the principles upon which we wish to act—that we should gain no advantage from any particular names on this Committee —if we were at once to forego any advantage which we might be supposed to have by having named a Gentleman whose qualifications as a lawyer we had forgotten in our respect for him as a country gentleman. It never occurred to me until I heard it mentioned by the right hon. Gentleman opposite, that the hon. Member for Perth, a great agricultural district, was so acute a lawyer as I have no doubt he is, if he applied his abilities to the profession of the law. We certainly wished to name him, but if there would be any advantage to the Government from his being a professional man, that advantage we will forego and will consent to name some hon. Gentleman who has not the qualifications of a lawyer. An objection has been taken to this being a Secret Committee. Why, Sir, we made it a Secret Committee in order that there might be a fuller opportunity of disclosure on the part of those who fill certain offices under Government. The question will be "Have you abused your powers?" And we do intend that the officers of the Post Office shall appear before the Committee. We wish to conceal nothing. But in order to do that, we must hope that the obligation of secrecy will be put upon those Gentlemen who are to make a final report because we cannot render an account of our motives unless we explain facts which ought not to be disclosed to the world; but that Committee having heard the facts will have the fullest opportunity of reporting whether that explanation be satisfactory or not, without disclosing the names of parties to whom reference is made. But if we have asked for a Secret Committee, we have acted in conformity with the course pursued by one of our noble opponents, because in another place, knowing that the way to get at the truth was to maintain secrecy, the Earl of Radnor, in moving for a Committee to inquire into these practices, proposed that it should be a Secret Committee. And I with confidence state to the House that if they want to get at the real facts as to the conduct of the Government, they will require that the Committee should be a Secret Committee, and not a select one. I hope, therefore, that the House will be satisfied with our motives for making this a Secret Committee. The object is for the Committee to inquire into certain facts, and to report to the House after that inquiry to what extent it may be desirable for the public interests that this power should be retained, and, if retained, under what qualifications and restrictions; but I say, that in order to enable the Committee to give an opinion for the future upon that important point, it will be of great advantage to them to have the whole truth before them in the way in which they can best obtain it, under the sacred obligation of secrecy. I hope, therefore, the House will consent to my substituting another name for that of the hon. Member for Perth. I feel that we have observed perfect fairness in the appointment of this Committee; and I hope that without engendering any difficulty about the name the House will consent to what I now propose. We have named five out of nine Gentlemen forming the Committee, including the hon. Member for Kendal and the hon. Member for Roscommon, from Gentlemen on the other side of the House and no one can read their names without feeling satisfied of their qualifications for discharging the duties intrusted to them. Not only are those Gentlemen opposed to us in general politics, but they gave adverse votes to us when this question was last before the House in the case of Captain Stolzberg. Every one of the five whom we have selected to be our judges upon this question voted against us. I hope, then, you will substitute some other name of equal authority with that of the hon. Member for Perth; but that you will reserve all legal questions for future consideration, and exempt the Committee from entering into any legal technicalities and distinctions; and seeing that five out of the nine, being chosen from the other side, may be presumed to be against the Government, that you will be satisfied of the purity of our motives, and not involve us to-morrow in that most invidious of conflicts—the nomination of a Committee. A Secret Committee differs from a Select Committee in respect to the general rules of the House, and we are not acting in violation of those rules by at once proceeding to its nomination, and we do confidently hope that the proposal of the Government, as to the general constitution of the Committee, the majority being selected from our opponents, and the weight and authority of those individuals on that side of the House being considered, will carry with it the universal and unanimous approbation of the House, and that we shall not be asked for any unnecessary delay.

Lord *J. Russell* then said,—Sir, after the course which has been taken by the right hon. Gentleman the Secretary for the Home Department, supported by the right hon. Gentleman who has just spoken, were it not for some allusions which the right hon. Gentleman made in the course of his speech, as laying [the grounds for the appointment of this Committee, I should have given a silent vote upon this Motion. But the right hon. Gentleman having referred to a speech which I made in a former debate in this House, and especially to the vote which I gave, as a reason for the appointment of this Committee, it becomes necessary for me to remind the House of the observations I made upon that occasion. I came down to the House fully persuaded that I should be enabled to support the right hon. Gentleman. I did not expect I should have had to vote for the Motion of my hon. Friend near me; because I expected that when the right hon. Gentleman asked me to agree to his Motion, he would have stated the general principles upon which he acted in the exercise of this particular power. That was the course taken by Sir R. Walpole—no mean authority—when the exercise of this power was questioned in former times; and it appeared to me that if the right hon. Gentleman shrouded himself in complete silence as to the general principles upon which he acted, he left it entirely open to any future Secretary of State to abuse that power, as the right hon. Gentleman had just stated, for the purpose of private interest, for the gratification of private curiosity, or the indulgence of private malignity; because the House of Commons having affirmed that the Secretary of State was not bound to state any general principles or general rules which should guide his course, there seemed to be no check whatever for the exercise of this, which I consider a necessary, but at the same time, very formidable power. When I stated that, however, I differed both from my right hon. Friend the Member for Edinburgh and also from the suggestion of my noble Friend the Member for Sunderland. But there was one observation which was made by my hon. Friend the Member for Finsbury when he brought forward the Motion to which I called the attention of the House. It was, that the letters of Mr. Mazzini and Captain Stolzberg had been opened not for anything that was apprehended, either from domestic or foreign enemies, but to aid certain foreign Governments against discontented subjects of theirs who had taken refuge in this country, and that that was not a legitimate exercise of that power. At the same time, if the right hon. Gentleman had declared to the House what were the general principles upon which he acted, I stated that I was ready to give him credit in any particular case in which he had exercised any particular power; and I would not have asked him anything further, but should have been contented to have supported him in refusing the Committee. I think the right hon. Gentleman acted wrongly in that respect. I do not regret the course I took on that occasion, because if the suspicions of the public mind had not been awakened, if the same inflammatory statements had not been made, if the interest of the people in this question had not been so strongly excited, according to the right hon. Gentleman himself, we should have had no inquiry. The right hon. Baronet, however, now thinks it necessary to appoint a Committee, and in this respect one advantageous result has followed the course we then pursued. I came down to-night intending to support the Motion of the hon. Member for Finsbury, thinking it quite fair, that as the conduct of the right hon. Baronet (Sir J. Graham) had been attacked, the conduct of his predecessors should also be made the subject of inquiry by this House. I entirely agree in the reasons urged by the right hon. Gentleman opposite for proposing that the Committee appointed to investigate this matter should be a Secret Committee. I think the purposes of the inquiry will be more fully attained, the investigation will be more strict, and the Members of the Committee will be better able to arrive at a conclusion if the inquiry is conducted secretly than would be the case if it were an open Committee, and the matter was canvassed from day to day. I am ready to agree to any selection of names the right hon. Baronet may think proper to propose. I see no objection to the names he has mentioned; and I think it is advisable that we should now close this part of the subject. I shall be quite ready to afford the Committee any information as to the exercise of this power during the period I held the office of Secretary of State; and there are others, of course, who can give evidence quite as good—perhaps better—as to the manner in which I then exercised that power. Let the subject be investigated; if the present law is necessary, let it be maintained; if the terms of that law are not sufficiently plain, let them be made more clear; but, if it should appear that this power is not necessary for the public interests, let it be abolished. I shall be quite content with the decision of a Committee constituted in the manner proposed by the right hon. Gentleman opposite; and I believe, that in the hands of such a Committee, the public interests will not suffer.

Mr. *Wakley* said, I am convinced that the public will not be satisfied with the reasons assigned, either by the Members of Her Majesty's Government, or by the noble Lord and his right hon. Friends, for referring this subject to a Secret Committee. It is certainly a most extraordinary mode of satisfying public curiosity. Do the Members of the Government suppose that they are to have exclusively all the curiosity in the world? They have been in the habit of looking into people's letters; and the public want to know why and how and to what extent this practice has been pursued. The public have expressed much surprise and great indignation at the conduct of the Government in this respect. In the first instance, the right hon. Baronet (Sir J. Graham) was taciturn; he very boldly said, "I won't tell you what I have done. I feel it most consistent with my duty to be silent. You shan't know anything about the matter." But the public have evinced great anxiety on the subject; and the press, as I think—contrary to the opinion of my hon. and learned Friend—with very laudable zeal, and with a very exeellent spirit, has taken up the question, and has excited the feeling which now exists in England, and has so far succeeded in bringing the right hon. Baronet (Sir J. Graham) to an account, that he now expresses his willingness to consent to some inquiry. It is to the press that we are indebted for this result. The public say, "Let us have an investigation—let us know what has been done." The right hon. Baronet states, as one reason for consenting to inquiry, that he does so in deference to public opinion; he says that public feeling is so much excited on the subject, that he considers it his duty to consent to an investigation. But how are the public to be satisfied? By being told that the investigation is to be confided to nine hon. Members of this House, who are to make no revelation whatever of the manner in which this odious practice has been exercised, or of the extent to which it has been carried. [An hon. *Member*: "They are."] Yes, but only a general declaration of opinion. I put it to you, Mr. Speaker, whether it be competent to this Committee to present the evidence adduced before them to this House, or for this House to order that it shall be printed? No; the evidence is to be excluded from public observation. But I contend that the public are as competent to form an opinion as to the manner in which this power has been exercised as the nine Gentlemen who are to constitute the Committee. But what is the other reason which, according to the statement of the right hon. Baronet, induces him to consent to the appointment of a Committee? The right hon. Gentleman, in the course of the observations he addressed to the House, alluded especially, and with much clearness and ability, to the part which was taken, the other night, by the Members of the late Government in the debate upon this subject. I infer, from what has transpired, that what the right hon. Baronet means to do is this—to admit that his own conduct has been rather dark and queer with respect to this transaction, but to endeavour to get out of his difficulty by saying to the Members of the late Administration, "Thank God! I am not worse than you are. I will prove before this Committee, that if my conduct has been objectionable, that of my predecessors in office was at least quite as bad." How very satisfactory to the public! It is said that when persons of a certain description fall out, honest men get their own. Now, it is clear to me that but for the hostility manifested to the present Government by the Members of the late Administration, we should have had no inquiry at all. I am glad there has been a fall out between the hon. Gentlemen on opposite sides of this House, but I doubt very much whether the public will get their own. I believe that, if we don't take care, the practice we have so strongly condemned will in future be carried on under the authority of this Secret Committee. I fear, from the manner in which the inquiry is likely to be conducted, it will be admitted that the power in question ought to exist; if so, who can place limits to its exercise? There may be a condemnation of the practice of the late and of the present Governments, and the Committee may Report that they hope, after what has transpired, that the power will be exercised with extreme deliberation and caution; but the practice may continue for twenty, thirty, or forty years, till another explosion similar to the present takes place, in consequence of its being carried to too great an extent, or exercised in an improper manner. I have heard no reasons which, in my opinion, show the necessity for conducting this investigation in secret. According to the terms of the Motion the inquiries of the Committee will first be directed to ascertaining the state of the law; at least, that is the first subject mentioned in the Resolution. The state of the law! What has transpired in another place with regard to the state of the law? We have in that place the first legal authorities of this kingdom—men to whose judgment in legal matters the public of this country are ready to submit,—we have the Lord Chancellor, the Lord Chief Justice of England, and some half-dozen Ex-Chancellors—men sitting on both sides of the House, and maintaining opinions diametrically opposite. The Lord Chancellor declares that one warrant is sufficient to justify the opening of a number of letters, and in that opinion he is supported by an Ex-Chancellor; but on the other hand we have high legal authorities, led by the Lord Chief Justice, declaring that an express warrant is necessary in every case. But, notwithstanding this difference of opinion among the highest legal authorities, my learned Friend near me is desirous that lawyers should be placed on this Committee. Why, if the Lord Chancellor and the Lord Chief Justice differ in opinion as to the state of the law, are we likely to find lawyers in this House who can determine it, and to whose decision the public will bow? In my opinion the better course is to exclude lawyers from this Committee, because my conviction is, that if they were to discuss the matter for a month they would not come to a satisfactory decision at last. I would call upon the hon. Gentlemen who are to form this Committee to apply the principles of common sense and of common justice to the practice of opening letters and to the state of the law on the subject; and it is then possible that this House and the public may be satisfied with their decision. I am convinced, however, that nothing will satisfy the public that this odious and detestable power ought to be continued. A more odious power never existed—nor one which has been exercised in a manner more calculated to give annoyance and to excite dissatisfaction. It is curious, that though my hon. Colleague made several somewhat bold declarations and charges against the

Government, not one of them was contradicted by the right hon. Baronet opposite. All the right hon. Gentleman says is,—"If I have acted in this way, my predecessors have acted in the same way." The right hon. Gentleman does not deny that there was a secret office, and that whole bags of letters were sent to that office. I do not say that those letters were opened there, nor did my hon. Colleague make such an allegation; but, from representations made by hon. Members of this House, it is believed that the practice of opening letters has been carried to an enormous extent, and that letters have been opened again and again at the instigation of the agents of Foreign Governments. Under these circumstances I would ask whether it is not the duty of this House to appoint an open Committee —to meet the question boldly. I am convinced that the public will not be disposed to visit the right hon. Baronet the Home Secretary with a more severe punishment for his conduct in relation to this matter than they will award to other parties; however bad the conduct of that right hon. Gentleman may have been in opening letters, if it is shown that the conduct of his predecessors has been equally objectionable. In the clamour raised against them he will escape, and he will have reason to be glad that he has courted full and open inquiry.

Mr. *M'Geachy* was prepared, if the Motion of the hon. Member for Finsbury had gone to a division, to have given his vote in its favour, and against the Government. He would not have pursued this course from any want of confidence, either in the Government in general, or in the right hon. Baronet in particular; but he felt it his duty to vote in accordance with the view he had formed of the merits of this question, and with a sense of his responsibility as a Member of that House. On some occasions during the present Session hon. Members of that House, on a reconsideration of questions which had been brought before it, had come to conclusions precisely opposite to those at which they had in the first instance arrived; and it seemed that in the present case Her Majesty's Government had benefited by the opportunity afforded them of reconsidering this subject, and had adopted a determination the reverse of that they had before announced.

Mr. *Wallace* fully concurred in the observations of his hon. Friend the Member for Finsbury (Mr. Wakley). It appeared to him that the proposal of the right hon. Baronet indicated that such an arrangement had been come to by hon. Gentlemen on both sides of the House as would prevent the public from knowing much of this investigation. He was convinced that the public would not be satisfied with an inquiry conducted before a Secret Committee; in a matter of this sort, they would demand publicity. The great body of the people of this country now believed that a system prevailed at the Post Office of opening letters, independently of the letters of foreigners and those for which warrants were granted, and they had lost all confidence in the Post Office establishment. He had in his pocket several letters, received within the last four or five days, which had printed notices upon them, stating that it was unnecessary to seal them because it was not worth while putting the Post Office to the trouble of opening them. He was desirous to see the Post Office establishment deserving and possessing the confidence of the people; but he was sure that inquiry by a Secret Committee on a subject of this nature would not increase their confidence in that establishment. His hon. Friend (Mr. T. Duncombe), who brought forward this question seemed to him to be better able than any other person in this country to guide both sides of that House. That hon. Member seemed to have the power of directing the Government to do whatever he pleased. He hoped, if there should be any embarrassment attending the formation of a new Ministry, Her Majesty would not forget his hon. Friend, who, he was convinced, would point out the men best qualified to advise the Crown. He would support a public and open, in preference to a secret inquiry; and he hoped his hon. Friend would take the sense of the House on the subject.

Mr. *Macaulay* said, I would not now presume to address the House, were it not that I understand, during my absence, some allusion has been made to me by the right hon. Secretary of State for the Home Department. It is extremely difficult for a person who has not been present during a debate in this House to collect precisely what has been said during his absence; and it is proportionally difficult for him to give an answer to any charges which have been made against him. But, if I rightly understand what I am told has been said by the right hon. Gentleman, the charges he has made against me may be classed under two heads. He has imputed to me, in the first place, a dereliction of my duty as a sworn servant of Her Majesty; and, secondly, he has accused me of making a personal attack upon him, and of imputing to him some misconduct unprecedented in the administration of his predecessors. Now, as to the first and more important of these attacks, I deny that I have in any respect, by any observation I have addressed to this House, violated my oath of duty as a Privy Councillor. I deny that I have divulged any secret which came into my possession in that capacity. I deny that in the character of a Privy Councillor I ever became acquainted with any circumstance whatever relating to the practice of the Post Office. I deny that any paper I knew to be obtained by the opening or scraping of seals was ever, to the best of my knowledge, submitted to me in that capacity. I declare, also, that there is no Gentleman, on either side of this House, who is more completely ignorant than I am of all the details of that Department of the Post Office to which frequent reference has been made during this discussion. Then, with respect to the second charge made against me by the right hon. Gentleman, I deny, with equal confidence, the imputation that I came down to this House to make a personal attack upon that right hon. Baronet. I certainly came down intending to express concisely, a very strong opinion as to the present state of the law and practice; and I intended to have prefaced my observations by declaring that I made no imputation whatever upon the right hon. Baronet beyond what must attach to him in common with all others who had been called upon to administer the same invidious law. If I departed from that line of conduct, it was because the right hon. Baronet himself forced me to such a course; because I considered that the line of conduct he adopted was utterly inconsistent with all notions of Ministerial responsibility. I now say, that in my opinion, there is a wide distinction between the conduct of the right hon. Gentleman (Sir J. Graham) and that of any persons who have preceded him in his present office; for who, when called upon in the face of this House to state on what principle he had exercised the power we are now discussing, ever declined to do so before the right hon. Baronet? When Sir Robert Walpole was called upon in this House to make such a statement, he frankly avowed the principle on which he had acted. The noble Lord near me has made a distinct statement of the principle on which, during his administration, that department was directed. He distinctly declared that, in the exercise of this power, he acted solely with a view to the safety of this country; and that he would have considered it a departure from the spirit of the law to examine the letters of foreigners, in consequence of applications from foreign Governments, founded upon apprehensions they might entertain. The right hon. Baronet opposite was repeatedly asked, "Will you state that this was the principle upon which you acted?" The right hon. Gentleman replied that he would not—that a sense of public duty, regard for the safety of the State, induced him to refuse to declare the principle upon which he had acted. Was that consistent with the conduct of the right hon. Baronet to-night? Why, is not this Secret Committee, consisting of nine Members of this House, to tell us upon what principle this practice was carried on? Is it not appointed in order that the House may ascertain on what general principle letters have been opened? There can be no doubt that the intention is, that this Secret Committee shall state to the House not particular cases, but the general principles upon which the Post Office and other authorities have acted· To the appointment of that Committee the right hon. Baronet (Sir J. Graham) entertains no decided objection. Does he not conceive that the public safety is compromised by the appointment of such a Committee? Let me ask the right hon. Baronet why he did not state to the House what he conceives will be the substance of the Report of that Committee? Why, if the Report of that Committee will compromise the public safety, the right hon. Gentleman ought not to agree to its appointment. If the public safety will not be compromised by such Report, the right hon. Baronet ought not to have shielded himself under the pretence of "public safety," and have refused any answer to questions put to him on this subject. A mere declaration from him of the principles upon which he has acted would have prevented me from making any remarks as to his conduct; I should merely have addressed myself to what I think the most important part of the subject—the state of the law. I shall be much surprised if the Report of this Committee should lead me to entertain an opinion different from that I have hitherto expressed, namely, that the state of the law requires very great and extensive alteration. I will not detain the House further than to say that I heartily approve of the Motion of the right hon. Baronet opposite, and that I think, upon the whole, it is desirable that in the first instance, at least, the proceedings of the Committee should be secret. I conceive it to be possible that some matters connected with the administration of foreign affairs might be disclosed in the course of the examination, the publicity of which we might have reason to regret. I am not desirous that any secresy whatever should be preserved with respect to the internal arrangements of the Post Office; because, with regard to all matters purely internal, the people of this country are fully competent to judge what is for their own interest. Matters which it is not advisable to render public might, however, be disclosed in the course of an inquiry of this nature. I do not conceive that any Report this Committee may present is likely to induce me to change the opinion I now entertain—that the power possessed by the Secretary of State with regard to the opening of letters is one which produces no advantage at all commensurate with the evils and the feeling of insecurity which it occasions; and that it is a power which, whether we censure the past exercise of it or not, we ought without delay to abolish.

Lord *J. Russell* observed that in the course of his remarks he had alluded only to the exercise of this power of opening letters for political purposes. The Marquess of Normanby, he believed, had in another place mentioned that this power was sometimes exerted to further the ends of justice in cases of crime, when without its exercise justice would be defeated.

Mr. *Williams* said, if the Government persisted in having a Secret Committee, it ought to be one in which the people would have confidence. There were no Gentlemen of higher character and honour than every one of the hon. Members who were to be appointed, but they were so peculiarly connected with the two great parties in the House, not merely as partizans, that he was convinced any report from them would produce no more impression upon the public mind than if five Gentlemen only from the Treasury Bench were to be appointed. So strong was his impression of the truth of this view that he should move that the hon. Member for Finsbury (Mr. T. Duncombe) and the hon. Member for Montrose (Mr. Hume) should be added to the Committee. It was but just that the hon. Member for Finsbury should have the opportunity of proving the allegations he had made. He thought, too, that the hon. Member for Montrose, who shared so largely the confidence of the people of the country should be added. The Government, if they honestly meant to satisfy the public mind, would best consult their own object by acceding to that proposal.

Mr. *Curteis* said, he regarded it as an act of humanity to ascertain whether the present or any late Government had been party to opening the letters of foreigners, and forwarding them to their Governments. That would be most cruel and utterly indefensible; and if it were only to save poor foreigners from being so shamefully entrapped, the public thanks were due to the hon. Member for Finsbury in bringing forward the question. Whatever might be the Report of the Committee, nothing could render it justifiable in a Government to open and privately reseal letters. He thought that a Government doing that would be party or privy to almost any crime whatever. Had it not been for the independent press of this country, they would not have stood in the position they now were of a Committee of Inquiry having been granted. He regretted that personal pain should have been caused to the right hon. Secretary of State, but he had now manfully met the question. Looking then upon the question as one of humanity, he (Mr. Curteis) offered his thanks to the hon. Member for Finsbury for having brought it forward.

Mr. *T. S. Duncombe*, in reply, said that if he had been fortunate enough to possess the power which had been ascribed to him by an hon. Member, of directing Her Majesty's Government, he should certainly have used it this evening, in endeavouring to persuade them to go a little further than they had done; for he felt convinced the public would not be satisfied with the investigation proposed. He did not think it necessary that they should have a Secret Committee, nor did he believe the public would be satisfied with the Committee the right hon. Baronet proposed to nominate. There was an alteration he would suggest in the wording of the Motion, to which perhaps the right hon. Gentleman would not object. The words were that a Committee of secrecy be appointed to inquire into the state of the law in respect to detaining and opening letters at the General Post Office, and the mode in which the authority had been exercised. Now, according to those terms, he did not think that the cases he had brought under the consideration of the House would be inquired into. The case of Mr. Mazzini and others would be excluded. The words were "as to the mode in which" the authority was exercised; but he thought the words "circumstances and extent" ought to be added. That would open the question before the Committee, as to the grounds upon which the letters of Mr. Mazzini, and other foreigners had been opened. One of the principal charges against the Government was, that they had opened the letters of foreign exiles, at the instigation of Foreign Powers. [Sir *R. Peel:* Surely the word "mode" will cover all the hon. Member's desires.] He thought it desirable to add the words "circumstances and extent." What the public wanted to know was, under what circumstances, and to what extent to which the right hon. Baronet and his predecessors had carried this power. Let the truth, the whole truth, and nothing but the truth be told. He was in hopes at one time, that the right hon. Baronet was coming near to tell the whole truth, and to say, "I did open Mr. Mazzini's letters, and I will tell you the reason why I did so;" but no, the right hon. Gentleman stopped short. He (Mr. Duncombe) was sure the right hon. Baronet did not wish to misrepresent what he had said; but the right hon. Gentleman asserted, that he (Mr. Duncombe) had alleged, he could prove that the Dublin and Brighton bags had been called for into the Inner Office, and everybody's letters had been opened. Now, what he had really said was, that there was this secret or inner office, where the deeds of darkness were carried on, and where not only letters of individuals were opened, examined, and secretly sealed, but where locked bags of letters were carried in, kept for an hour and a half, and then carried back to the sorters, who could not possibly know what had happened to them in the meantime. Perhaps he might have said, the Dublin bag, or the Brighton bag, as for intance; he had reason to believe these bags had been sent for to this office, but he could not prove it. What he had said was, that a roving Post Office commission had been sent into the manufacturing districts, and who might have opened everybody's letters. He hoped that the Committee would elicit the truth, the whole truth, and nothing but the truth; and he hoped, too, that the Committee would have no scruple in informing the House and the public whether any letter of his had been opened. He did call upon the Committee to report specially, whether any letters for the Albany had been detained and opened. He had been informed that such had been the case. He could not understand why this was to be a Secret Committee. The public would think that they were establishing a secret or inner office within these walls. What satisfaction the public would derive from the appointment of that Committee remained to be proved. He threw the responsibility of the investigation entirely upon the Government. He trusted it would be satisfactory, and he only reserved to himself the right, if it should prove that the Committee did not do their duty satisfactorily, of re-opening the question.

Original Motion withdrawn, and Amendment agreed to.

Committee of Secrecy appointed,

"To inquire into the state of the Law in respect to the detaining and opening of Letters at the General Post Office, and into the mode under which the authority given for such detaining and opening has been exercised, and to report their opinion and observations thereupon to the House."

Sir *J. Graham* would again read the names of the hon. Gentlemen proposed to be nominated. The Government had selected a Gentleman who had been long in that House, a Gentleman of high character and spotless integrity, in forgetfulness of the fact, that some twenty years ago, he had been in practice at the Bar. As it was the pleasure of the House that he should be excluded, he would propose to substitute, for the name of Mr. Home Drummond, the name of Mr. Wilson Patten. The right hon. Baronet then read the names as follow: Lord Sandon, Mr. Wilson Patten, Mr. Thomas Baring, Mr. W. Heathcote, Sir Charles Lemon, Mr. Warburton, Mr. Strutt, the O'Conor Don, and Mr. Ord.

Mr. *Horsman* said, it was most desirable every one should think a Committee had been appointed which would carry on a full and fair investigation; and he was extremely surprised, that the name of Mr. Duncombe had been omitted. The reason that had been assigned was, that the hon. Gentleman stood in the position of an accuser; but he did not see the validity of the objection. He would propose that the Under Secretary of State should be added, on the one side, and Mr. T. Duncombe on the other. If the Under Secretary was objected to, he saw no reason why Mr. T. Duncombe should not be added.

Sir *R. Peel* trusted if the House approved generally of the Committee that had been named, they would vote for it as it now stood. The Government had avoided placing upon the Committee any of those who had been accused; and let it not be said, as upon another occasion, that they looked for a judge and found an accuser. The hon. Gentleman had expressed a strong opinion in regard to the conduct of Her Majesty's Government; and he could not, therefore, but think it would be more just and satisfactory that his name should be omitted. In so omitting him, they cast no imputation upon that hon. Gentleman; but acted in precise conformity with the course taken by the hon. Gentlemen opposite, in the case of the charge preferred by the hon. Member for Bradford against the hon. and learned Member for Cork; and there was an opinion expressed on that side of the House, that the hon. Member should be excluded from that Committee, because he had exhibited indications of strong party opinions. The Government then had acted conformably to the precedent they had found established by those who were opposed to them. If then the House were satisfied generally with the Committee proposed, he trusted they would sanction the unusual course the Government had proposed of nominating a majority of five Gentlemen opposed to them, and not enter into a personal conflict respecting the names of individuals.

Mr. *Sheil*: although this is to be a Committee for the consideration of a law, not a single lawyer has been put upon it: you wish the investigation to be most searching: I presume that you will have no objection to have the different functionaries of the Post Office examined as to various details; it follows that you should have some person on the Committee accustomed to put questions. If you desire a thorough investigation you must have, if I may use the phrase, a forensic inquisitor upon the Committee. You wish the course pursued by your predecessors, as well as by yourselves, to be inquired into; your predecessors are therefore as much interested in the matter as you are. You say that you are not more criminal than those who have gone before you, and ought you not to have an individual on the one side, and on the other accustomed and qualified to scrutinize evidence. I am aware that several of the gentlemen named are magistrates, who, I dare say, will put questions to the witnesses in an efficient manner, but the question relates to the constitution of the law, and to the practice under it, and you will require that all the details should be brought before the House. You mean to institute a thorough investigation, but how can that be accomplished without the means to which I have alluded ?

On the name of Mr. Wilson Patten being proposed.

Mr. *Horsman* moved, as an Amendment, that the name of Thomas Duncombe, Esq., should be substituted.

Mr. *T. Duncombe* hoped that his hon. Friend would not divide the House on the question. He had not the slightest wish to be on the Committee; though he certainly denied that he stood in the character of an accuser. He was perfectly sure that the right hon. Baronet (Sir R. Peel) did not intend any personal disrespect by omitting his name as a Member of the Committee.

Lord *John Russell* considered the Committee proposed by the right hon. Baronet (Sir James Graham) to have been very fairly selected, and he had no wish to alter it; though he did not by any means consider that his hon. Friend (the Member for Finsbury) was at all disqualified sitting on the Committee.

Dr. *Bowring* considered the hon. Member for Finsbury to be the representative of the public opinion within the walls of the House, and although the modesty and delicacy of his hon. Friend restrained him, still he felt it absolutely necessary that his hon. Friend should be on the Committee. It would give confidence to the people out of doors. It was true his hon. Friend had given very strong expression to his opinions, but still he (Dr. Bowring) trusted that his hon. Friend should be named one of the Committee. It would be better that eleven Members should constitute the Committee, by appointing some other hon. Member in addition to his hon. Friend, than that his hon. Friend should be omitted.

Amendment withdrawn.

The names of the Members to form the Committee were then proposed and agreed to.

Mr. *James* moved that the name of Thomas Duncombe be another Member of the said Committee.

The House divided:—Ayes 52; Noes 128: Majority 76.

List of the AYES.

Aglionby, H. A.
Bannerman, A.
Barnard, E. G.
Bellew, R. M.
Bouverie, hon. E. P.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Christie, W. D.
Collett, J.
Curteis, H. B.
Duncan, Visct.
Duncan, G.
Dundas, hon. J. G.
Easthope, Sir J.
Ellis, W.
Elphinstone, H.
Esmonde, Sir T.
Fielden, J.
Ferguson, Col.
Gibson, T. M.
Greenaway, C.
Hallyburton, Ld. J. F.
Hastie, A.
Heneage, E.
Horsman, E.
Humphery, Ald.
Hutt, W.
Mangles, R. D.
Morris, D.
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, R. M.
Pattison, J.
Pechell, Capt.
Plumridge, Capt.
Polhill, F.
Rawdon, Col.
Roebuck, J. A.
Ross, D. R.
Sheil, rt. hon. R. L.
Stansfield, W. R. C.
Stewart, P. M.
Strickland, Sir G.
Tancred, H. W.
Thorneley, T.
Trelawney, J. S.
Wakley, T.
Wallace, R.
Watson, W. H.
Wawn, J. T.
Worsley, Lord

TELLERS.

James, W.
Williams, W.

List of the NOES.

A'Court, Capt.
Antrobus, E.
Arbuthnott, hon. H.
Arkwright, G.
Bailey, J., junr.
Baillie, Col.
Baillie, H. J.
Baird, W.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Baskerville, T. B. M.
Bentinck, Lord G.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Brooke, Sir A. B.
Bruce, Lord E.
Burrell, Sir C. M.
Campbell, Sir H.
Campbell, J. H.
Cardwell, E.
Carnegie, hon. Capt.
Childers, J. W.
Christopher, R. A.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Colebrooke, Sir T. E.
Collett, W. R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, hon. W. H.
Denison, E. B.
Dodd, G.
Douglas, Sir H.
Dowdeswell, W.
Drummond, H. H.
Du Pre, C. G.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Entwisle, W.
Fellowes, E.
Flower, Sir J.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gore, M.
Gore, W. O.
Graham, rt. hon. Sir J.
Gregory, W. H.
Grogan, E.
Hale, R. B.
Halford, Sir H.
Harris, hon. Capt.
Heneage, G. H. W.
Henley, J. W.
Herbert, hon. S.
Hope, hon. C.
Hussey, A.
Irton, S.
James, Sir W. C.
Jermyn, Earl
Johnstone, Sir J.
Jones, Capt.
Kirk, P.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Labouchere, rt. hn. H.
Lefroy, A.
Lincoln, Earl of
Lockhart, W.
Macaulay, rt. hon. T. B
McGeachy, F. A.
Mackenzie, W. F.
Maclean, D.
McNeill, D.
Mahon, Visct.
Marsham, Visct.
Marton, G.
Master, T. W. C.
Masterman, J.
Meynell, Capt.
Miles, W.
Mundy, E. M.
Owen, Sir J.
Peel, rt. hon. Sir R.
Peel, J.
Pigot, Sir R.
Pringle, A.
Rashleigh, W.
Round, C. G.
Round, J.
Rumbold, C. E.
Russell, Lord J.
Shaw, rt. hon. F
Sheppard, T.
Shirley, E. T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stuart, W. V.
Stuart, H.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, G.
Trench, Sir F. W.
Troubridge, Sir E. T.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Whitmore, T. C.
Wortley, hon. J. S.
Wynn, rt. hn. C. W. W.
Yorke, hon. E. T.

TELLERS.

Young, J.
Lennox, Lord A.

Mr. *Williams* then moved that the name of Mr. Hume should be added to the Committee.

After a few observations the Motion was withdrawn.

The Committee was then finally appointed.

Mr. *T. Duncombe* hoped that an indemnity would be given to the witnesses whom it may be necessary to examine before the Committee. It would be impossible to get persons holding subordinate situations in the Post Office to give evidence unless they were protected from the consequences, similar to the protection given to the witnesses examined before the Committee appointed by the hon. Member for Bath (Mr. Roebuck) respecting compromises at elections. Supposing a person had opened a letter without any warrant having been received, merely a verbal order, in that case he would be liable to be indicted for a misdemeanor. He wished to know how such persons were to be indemnified?

Sir *R. Peel* thought that nothing would be so unjust as to subject subordinate officers to the consequences of an act which they had committed under the control of their superiors. The responsibility certainly rested with the Government. But, if a legal indemnity should be requisite, it would be perfectly competent for the Committee to report the circumstances under which the House should be called upon to form their judgment upon that point. He should certainly think it inconsistent with the honour of the Government to visit a penalty on the subordinate officers of the Post Office establishment.

The usual powers were then conferred on the Committee.

PRISON DISCIPLINE.] Mr. *Mackinnon* rose to move—

"That a Select Committee be appointed to consider the Report of the Inspectors of Prisons, and the state of discipline in the Gaols for the adoption of an uniform system of punishment, with such improvements in the management as can be safely adopted."

The hon. Gentleman said, having been requested by many persons, magistrates and others, to bring this question under the consideration of the House, I do so with some satisfaction, feeling perfectly convinced that some uniform system of prison discipline is requisite, and that the establishment of certain regulations ought no longer to be deferred. I only regret that some other gentleman, some county Member of extensive practice as a magistrate and well acquainted with prison discipline has not undertaken the subject, but as no one came forward, I have ventured to bring the subject before the House. It seems that although nothing as yet has been done on prison discipline, that at various times the subject has been under the consideration of the Legislature. So far back as 1821, a Committee was ordered by this House, by which in their Report it was recommended that a penal code for the government of gaols and of prison discipline should be enacted. In the year 1828 the subject was again brought before this House, at a subsequent period, in 1835, a Parliamentary enquiry took place on the subject of prison discipline, and in the 2nd year of her present Majesty's reign an Act was passed for the classification of prisoners and other improvements. The appointment of Inspectors of prisons has formed a new æra, and has been an additional step in the progress of prison amelioration. To these inspectors the country is much indebted for their valuable reports and indefatigable exertions. In the 8th Report of the Inspectors Home district, 13th August, 1843, they say, "the mischievous effects arising from the association of prisoners is no longer a question. There is a general conviction that the separate system for prisoners has been adopted with advantage." However, it is not my intention here to enter into the respective merits of the various plans suggested for the regulation of prisons, I desire not to point out to this House one plan as preferable to another, but merely to say, that a Committee ought to decide after the examination of witnesses which system ought to be adopted, and to recommend that principle of prison discipline most likely to answer the purpose we all desire to carry into execution. As I have said, I believe the Inspectors have done considerable service. At the same time, it must be admitted that sometimes they have involved themselves in great contradictions, and like all persons appointed to an office have desired to find fault sometimes without any cause. The contradictory statements are found in many of their reports, one of which recommends the tread-wheel, at a subsequent period another report finds fault with this mode of discipline. Every one must be aware that a great diversity of opinion exists not only amongst magistrates and inspectors, but in the community as regards one system of prison discipline over the other. The silent system, the solitary system, the class organization, the factory system, and the plan styled the working class, adopted very generally in the United States, particularly at Pitsburg and at Philadelphia, have all their advocates and opponents. Now, Sir, I do not stand here to advocate one particular system, I think that consideration would be better undertaken and performed by a Committee of this House; I will only say that great objections may be made to each if considered separately. It may be said of the Solitary, that it is perhaps the most severe punishment that can be inflicted on a human being. Dr. Johnson somewhere remarks, that "solitude is dangerous to reason without being favourable to virtue." Now there are instances of unfortunates being confined in a solitary cell for eight or ten years. How far solitary confinement has a tendency to cause insanity, seems doubtful; perhaps the hon. Member opposite, (Mr. Wakley) the Member for Finsbury, whose professional avocations call him to attend on many occasions, which may enable him to give information to the House will give us his sentiments on the subject. Now in reference to the Silent system, it is admirably, I believe, managed, both in the Model prison at Pentonville and in other places lately organized, and there seems no novelty in that discipline; it appears that the silent system was in use many years ago on the Continent, and its adoption here in England is not a novel idea or recent improvement. If I remember correctly, the same system of prison discipline existed, as reported by a Frenchman of the name of Courlois, who was incarcerated in the prison of the Inquisition at Lisbon in 1745. This person, in the account he gives of the prison, states all the cells are so contrived as to be under the eye of the governor; each prisoner is separately confined, never speaks, wears a mask whenever he stirs out of his cell, and if he requires any assistance, has a small clapper at his cell door, which may give notice to the turnkey. M. Courlois was imprisoned for being a free-mason; his account is dated 1745, and the discipline of the Inquisition prison much resembles that of the Model prison at Pentonville. It seems that the French Legislature have of late directed their attention to the several systems of prison discipline, and have come in the French Chamber of Deputies to the following resolutions:—

"That each prisoner should be separately confined at night that during the day they should be occupied at various trades according to their age, strength and capabilities, that special regulations should be established for the accused before trial, for the condemned after trial, and for those committed for petty offences."

In every respect the regulations of the French Chamber appear to be humane, judicious, and likely to answer the purpose of forming a systematic code of prison discipline. Why not imitate this example? Now if there is a variety of opinions, how are you to act, in what manner to determine the best course, why by a Committee of this House, which can thoroughly investigate the subject, examine witnesses, and draw up some general code of legislation! I think such a course would be more satisfactory to the community than a Commission, as all the evidence would be before the public. By some the Report of the Inspectors are said to be correct, by others this is denied. How can you convince the country that they are correct, unless you have an open investigation before a Committee? Much obloquy has at various times been thrown on the magistracy of the country, and an outcry raised against them which may be not only unmerited, but unjust, how are you to ascertain the truth unless you have a Committee to investigate the business. Under all circumstances, therefore, I cannot but think that a Committee ought to be formed for this purpose. Besides, these reasons for a Committee I deem it of the utmost importance to the welfare of the country that some regular system of prison discipline should be enforced in all the gaols in the kingdom; if something of the sort is not done, and done without delay, the centralizing system now so prevalent, I may almost say so fashionable, may follow, and the power of the Home Secretary entirely supersede that of the magistracy. I am fully aware that the right hon. Secretary at the Home Office has no such intention, he distinctly disclaimed it last year in May, in the following sentiments: that he felt fully convinced the discipline and superintendance of the gaols throughout the kingdom ought to be left to the magistracy of the several counties, giving, if thought advisable, a power to the Home Office to inspect prisons under certain regulations. At the same time, I must say that I should much regret seeing any more centralization beyond what has already taken place. We have had centralization of the Poor Laws, we are about to have it in railroads, we shall have it in 1856 in the currency; all these centralizations may be of use and desirable, but I hope never to see the authority of the unpaid magistracy superseded, or the landed aristocracy and gentry of this country driven from their country residences by a centralized influence that would ultimately deprive them of all power, cause them to be disgusted with a country life, and drive them to the metropolis. The centralizing system did this in France and Spain two centuries ago. See what occurred in France and in Spain about two centuries ago, all the great landed proprietors were left without any influence in their respective districts, they abandoned their country residences, removed to the capital, lost their influence among their tenantry and neighbours, became insignificant and ended by losing all their influence which was totally absorbed by the Crown. I cannot approve of centralization. At the same time I cannot but be of opinion that the centralization of the Poor Law by Commissioners of the Currency, by the Bank Charter Bill, and of Turnpike Trusts, if they could be consolidated, are most advantageous to the country, though the New Poor Law has produced great privation and suffering amongst the lower classes in the community. To avoid further centralization, to do full justice to the unpaid magistracy whose conduct has been impugned, to reconcile the discordant reports of the various Inspectors, and above all, to prevent the centralization of influence over gaols, which will follow sooner or later if a settled code of prison discipline be not formed, which code I think can be best formed by the labours and evidence brought before a Committee of this House. I beg leave, Sir, to move, that a Select Committee be appointed in the words of my notice.

Mr. *Williams* seconded the proposition. He had seen a correspondence between the Home Office and the Middlesex magistracy, calculated to excite the alarm of the entire country as to the intentions of Government on this subject. The Under-Secretary wrote:—

> "Sir J. Graham is desirous, before he proceeds further, that arrangements should be made by the magistrates for the separate confinement of prisoners before trial, especially of the younger prisoners."

And the matter having been referred to Major Jebb and Mr. Crawford, they reported in favour of the plan.

> "We further beg to observe, in relation to any plan of building which the magistrates may adopt for the separate confinement of prisoners, that, for the prevention of intercourse, it is indispensable that the windows of the cells should be closed, and the partition walls of the cells, such as to render impracticable oral communication from cell to cell, except by means which, by attracting the attention of the officers, would insure detection; that the cells should be ventilated, warmed, supplied with water, and provided with water-closets, as at Pentonville Prison; and that the yards should be so divided as to allow of each prisoner taking exercise alone." "The number of cells already built, or about to be constructed for, or adapted to separate confinement in this country, amounts to upwards of 8,000; and we feel justified in stating our conviction that the day is not distant when the individual separation of prisoners will be the established system of prison discipline throughout England."

Now, for any one to impose the horrors of solitary separate confinement on persons untried, many innocent—all presumed to be so—and perhaps some of them committed only through the ignorance or malignity of magistrates—for among the magistracy unhappily ignorance and malignity too often existed—to inflict these horrors, perhaps for three, four, or five months, on such a class of persons, was most inhuman. And when it was considered that wrong was frequently the result, who could for a moment consider the system Christian? Let the country look at the cost of the system. He asserted that the greatest delusion had been practiced—the grossest misrepresentation prevailed with regard to the cost of the system. When the estimates were before the House, he showed that the cost of each prisoner in the Model prison of Pentonville was within a few shillings of 40*l.* a-year. He had taken the trouble of calculating the amount expended on that prison, and on Parkhurst prison, in the Isle of Wight; and he would take the liberty of stating the result. The estimate of the prison at Pentonville, for the accommodation of 510 prisoners, was 75,000*l.*; but, in addition to that expenditure, they had been going on, year after year in voting other sums for its support, so that up to the present time it had cost the country 87,700*l.* The cost last year was 40*l.* for each prisoner; and, adding to that the interest of 5 per cent. on the cost of the building, they would have a cost for the cells of each prisoner of 8*l.* 10*s.* or an expense of 48*l.* 10*s.* for each. Now, what did a labouring man get? They saw, by those admirably written letters in *The Times* newspaper from Suffolk, that the labouring man there got 7*s.* or 8*s.* a-week for the maintenance of himself, his wife, and eight or nine children. But, allowing him 10*s.* a-week, that would amount to only 26*l.* 10*s.* per annum, while every one of the criminals—convicted felons in Pentonville prison—cost as much as 23 members of labouring men's families. The estimated cost of Parkhurst prison was 25,000*l.*; but 76,000*l.* had already been expended on it, and how much more it would cost he did not know, seeing that this very year there had been a vote of 5,000*l* for that prison. Now, when such delusion was practised for the purpose of inducing the country to adopt this system, some check ought to be put to it, and he wished that this Committee should be granted, in order that the whole subject might be inquired into. The inhabitants of Middlesex were beginning to open their eyes to the vast expenditure that was about to be imposed on them; but he saw, with great sorrow, by the Report of the Prison Commissioners, that preparation was now being made for 8,000 cells for solitary confinement. Were the House of Commons to sanction the system of solitary confinement for untried prisoners, they would desert the duty imposed on them by the plainest dictates of common humanity. He hoped that the country would raise its voice against such a system.

Sir *J. Graham* by no means complained of the course which had been pursued by his hon. Friend in bringing on this Motion this evening; on the contrary, he had to thank him for consulting his convenience on more than one occasion. It was not his intention on the present occasion to enter on a defence of that obnoxious system termed centralization, nor to discuss the various topics referred to in the speech of the hon. Gentleman, who, in addition to Prison Discipline, had touched on currency, railroads, and the Poor Law. He must observe, however, that it appeared somewhat inconsistent that the hon. Member for Coventry should have seconded the Motion moved by his hon. Friend, for he could not conceive two Gentlemen agreeing in one Motion entertaining more opposite opinions on the subject which was the ground-work of the present discussion. His hon. Friend (Mr. Mackinnon) seemed to think that all power over these gaols ought to be concentrated in the Home Office, and that he (Sir J. Graham) wae anxious to have that power. But hs must say, the duties devolving on him in that office were not so very easy or agreeable that he should wish for additional powers—

"Non mihi regnandi venit tam dira cupido."

The hon. Member for Coventry, on the other hand, objected to State Prisons, and to the interference of the Secretary of State. The calculations of the hon. Member for Coventry with reference to the cost of each prisoner in Pentonville were altogether erroneous. There was also an error common to the Mover and Seconder with respect to the use of the expression "solitary confinement," as applied to prisoners. Solitary confinement was unknown in this country. It did not exist in any prison in England at this moment. There was what was termed the separate system, which was as easily distinguishable and as widely different from solitary confinement as light from darkness. His hon. Friend wished to introduce uniformity of system, yet that was altogether at variance with his proposition that gaols should remain under the control of the magistracy. An approach to uniformity of discipline for the punishment of the same offence was possible, and he submitted to the House that on the whole the system as it now stood was advantageous as conducing to this result. The power of controlling the management of the county gaol was vested in the magistracy. To the Executive Government the power was given of inspection, and the right to visit; and the inspectors reported from time to time. The Secretary of State had certain limited powers intrusted to him by Act of Parliament; beyond those powers he could not go. He might advise the magistracy, he might make objections, he might offer suggestions, but they were entitled to weigh his reasons and the validity of his recommendations. Certain powers were absolutely entrusted to the Secretary of State, and one most important power related to the regulation of the diet of the prisoners. Differing entirely from the hon. Member for Coventry with respect to the Magistrates of England, whom the hon. Member described as acting from malignity and as influenced by the worst motives — entertaining the highest respect for them—he was bound to say that in the execution of his duty as Secretary of State, he was under the greatest obligations to them, and there could be no stronger illustration of it than the fact mentioned by the hon. Member for Coventry, that there were now building by the voluntary act of the county magistrates 8,000 cells for separate confinement in the different county gaols of England. Under any check that could be imposed, he believed confinement necessarily led to awful calamities affecting the human mind. But separate confinement properly watched was, he believed, on the whole, the best system of imprisonment. He saw in his place the hon. Member for Finsbury, who had had the opportunity in the most formal and searching manner of watching the progress of that system. From his professional ability and his general character no one was more competent to form an opinion on the subject, and he appealed to the hon. Member in support of what he had stated. His hon. Friend, the Member for Lymington, had compared the system adopted at Pentonville to the Inquisition; and what was the description he gave of the discipline of the Inquisition? "That every prisoner was debarred from seeing or speaking to any one—he was not even allowed to speak to the gaoler, and was masked in the presence of strangers." He entirely denied the analogy. He spoke in the presence of one of the Commissioners of Pentonville Prison, who, he was quite convinced, would not for a single day give his countenance to any prison in England, if rightly described as similar to the Inquisition, where the prisoners were debarred from seeing or speaking to any one, even the gaoler, and were masked in the presence of visitors. He ventured to say, so far from this being a correct description of Pentonville, his hon. Friend had never seen it. He believed that in the course of each day every prisoner saw at least eight or ten different persons; he was instructed by a schoolmaster, and by a chaplain, and for many hours of the day he had opportunities of conversing with different persons. He had attended the instruction given in the chapel by the schoolmaster to the assembled prisoners. It was true they had no opportunity of either seeing or communicating with each other, but they all saw the schoolmaster, who could see each countenance, and it was a most touching spectacle to observe the sagacity and eager desire of knowledge visible in the faces of the prisoners, and the effect the instruction imparted to them had on their countenances and demeanour. He could assure hon. Gentlemen that if they would themselves visit the prison at Pentonville the misapprehension which existed as to prisoners being debarred from seeing or speaking to any one, and being masked in the presence of strangers, would very soon be removed. The hon. Gentleman had said that he was the author of the system. However that might be, he was well aware that it was a system which required great caution in its administration, and which was liable to great abuses if not constantly overlooked. With respect to what had been called the factory system, he was not aware of the existence of that system in England, apart from the system known as the Separate system; but his opinion of it was, that it certainly tended to occupy the prisoner, and to give cheerfulness to his mind and thoughts. The hon. Member for Coventry greatly mistook the nature of the communication which he was reported to have made to the Middlesex Magistrates if he thought that he had desired to enforce the Separate system in the cases of prisoners before trial. All he had said was this—that if the county magistrates had the assistance of a paid Chairman, the consequence would be that numerous additional committals would be made by the metropolitan magistrates to the Middlesex Quarter Sessions; that by that circumstance the Middlesex gaols would become crowded with prisoners awaiting trial, and what he (Sir James Graham) had said was, that unless they could enlarge the space for the accommodation of prisoners so circumstanced, he could not recommend the appointment of a paid Chairman. Under these circumstances he had thought it his duty to lay before the Middlesex bench the best plans the Government possessed for the erection of prisons, and he (Sir J. Graham) was certainly of opinion that the best and cheapest mode of construction was by building separate cells. In saying this, however, he begged it not to be supposed, that because separate cells were erected, an entirely separate system was introduced. At night it was quite true the prisoners were locked up in cells separate from each other, but in the day time they were allowed to communicate under proper observation before trial. It was not his wish, however, to occupy the time of the House longer upon these points.

At this late period of the Session, it could not for a moment be supposed that the appointment of a Committee would serve any good object, whilst, certainly, it might create great distrust and confusion arising from uncertainty. Upon the whole, too, as he had said before, he was so satisfied with the general improvement which was everywhere in progress, that he really did trust such an element of discord would not be introduced as the appointment of this Committee. At any rate, if appointed at all, he confidently hoped that they would not attempt to enter on such an inquiry during the present Session.

Mr. *B. Escott* observed, that, at an early period of the Session, he had asked the right hon. Baronet a question as to the legality of permitting the separate system to be applied to the prisoners before their trial. It having come to his knowledge that such a practice had been pursued in several instances, he had ventured to inquire where the Act of Parliament was to be found which legalized such a punishment upon a possibly innocent person. All he would now say was, that he still continued in ignorance of the law by which such a serious wrong was perpetrated, and that, if there was no such legal power in existence, it was high time that the House stepped in to prevent such things from being done.

Sir *J. Graham*, in reply, said that the General Prisons Act gave the power of classifying prisoners, and nothing, in his opinion, was more important than that tried and untried prisoners in the same gaol should be kept separate. He considered the application of the system in those cases to be perfectly justifiable, but he begged it might be observed, as he had before mentioned, that the separation was only at night time, communication between the prisoners being permitted under restrictions throughout the day.

Mr. *Wakley* believed it was quite true that the particular Act referred to, gave the power which the right hon. Gentleman mentioned; but, nevertheless, he quite concurred in the remarks of the hon. Member for Winchester, and he firmly believed that the House when they passed that Act never contemplated anything more than the due security of the untried prisoner. For his part, he could not conceive on what principle it was recommended that a man should be subjected to punishment before he was tried. The law only contemplated the security of the person, so that the prisoner should be forthcoming when he was demanded. With regard to this point—the treatment of untried prisoners—he had been much struck with what he saw in one of the gaols of Middlesex a few days since, when he had visited it in a professional capacity. Some question about diet had caused him to institute an investigation, and he found to his surprise, that for the first fortnight of a prisoner's incarceration, he was subjected to the lowest possible diet, being denied, in fact, all animal food for the first fourteen days of his confinement. Now was it fair, was it just, that a man who might not be guilty of the crime of which he was accused should be subjected to such treatment as that that took place in the New Prison, at Clerkenwell. The diet upon which these prisoners were placed, was gruel, bread, and broth: with the latter they were supplied three times a week. Bread and gruel were given them for their breakfast and supper. The governor and the medical officer of the gaol were both present when he was conducting his investigation, and he was so struck with the fact, upon its being elicited, that he at once told them he would mention it in his place in Parliament on the first opportunity. With regard to the Motion before them, he felt with the right hon. Baronet, that it would be impossible to do justice to the subject during the present Session. At the same time he hoped that this discussion would keep the Home Secretary alive to the subject, and that very early next Session he would not object to a Committee being appointed. It was a question which humanity required that they should consider, and it had bearings which at first sight were scarcely apparent. Let them look, for instance, at the question of remands. Would it be credited, that people who were merely remanded by a magistrate, were subjected to hard labour, and were sent to gaol when in the last stage of disease? He knew of cases where people had died in the hospital of a gaol in less than a week after being committed. In one of the gaols of this country, too, there were a number of idiots undergoing confinement who had been committed by magistrates for various offences. As for the solitary system, of which something had been said, it ought to be called the demoniacal system, for nothing could be more atrocious or horrible, and when the separate system made an approach towards the solitary, he thought it ought instantly to be checked. When the Pentonville Prison question was considered, he had been one of the most active opponents of the scheme. He had anticipated no good from the establishment of that prison; but he had thought it might do much mischief. For the past four years, however, he had been called on to exercise the functions of his office in that prison, and, feeling strongly about it, he was determined to ascertain what was going on, and had even gone beyond the line of his duty to find out what were the effect upon the prisoners, of the system adopted there. The result had really surprised him more then he could express. Prisoners had been brought before the jury, and every person connected with the gaol, had been requested to leave the room: the prisoners had been informed, that there was not a single person present belonging to the prison. They had been told, that they would suffer no annoyance whatever from anything they might state, if they only told the truth; and they had been in every way encouraged to speak out boldly concerning all they had experienced. He had questioned them closely, as to how they were situated in that gaol, and in any other gaols in which they might have been confined. He had asked them which sort of discipline they preferred, and he was proud to say, that every prisoner whom he had examined had given the most unqualified testimony in favour of the system pursued at Pentonville. Of the diet they declared that it was ample; of their improvement in mind, they had declared that the instruction they received in the trades they were taught was most serviceable, and a great source of amusement. They declared that the confinement to which they were subjected, was not unpleasant in the slightest degree. They were asked if they had any complaint of any kind, and they unanimously answered, they had nothing whatever of which to complain. These were statements which might sound extraordinary, coming from him in that place; but he should be acting a very disingenuous part if he now concealed his real opinion. He certainly had for some time fancied that the tendency of this sort of separate confinement, wss to depress the spirits of the prisoners, and he thought he had observed in one or two of them, a lowness of spirit, which could not well be accounted for. They had all declared to him, however, that they were satisfied and grateful—so grateful, that they should remember what had been done for them to the last hour of their lives. Many of them who had been taught trades, spoke with the liveliest feeling of gratitude for the benefit therefrom resulting, and were in great glee at the idea of going to the Colonies, obtaining a ticket of leave, setting up in the occupation they had learnt, and gaining an honest livelihood. It had been publicly stated, that several of these prisoners had become insane in consequence of the confinement to which they were subjected. No doubt, three persons had been sent to Bethlem from this prison. When he was informed of the fact, he had instituted very strict inquiry, because he was informed, that no prisoner had been sent to the lunatic asylum from the other metropolitan gaols. From the depositions he had taken upon the point, he had, however, come to the conclusion, that the insanity in these cases was traceable to other causes. Two of the three persons, at least, had an hereditary predisposition to it. The only thing that he could suggest with reference to the prison, was, whether the probationary period might not be advantageously shortened from eighteen to twelve months; and, having thrown out the suggestion to it, he would no longer detain the House.

Mr. *Mackinnon* would not press the Motion to a division, hoping that the Committee would be granted early next Session.

Motion withdrawn.

House adjourned at twelve o'clock.

HOUSE OF COMMONS,

Wednesday, July 3, 1844.

MINUTES.] NEW MEMBER SWORN.—For Enniskillen, the Hon. Henry Arthur Cole.

BILLS. *Public.*—1°. Drainage of Lands.

3°. and passed:—Linen, etc. Manufactures (Ireland).

PETITIONS PRESENTED. By Sir R. Inglis, from Shotley, and Kincardine, and Mr. Rashleigh, from Norfolk, Hayes, and Somers Town, against Dissenters Chapels Bill.—By Mr. Cripp, from Cirencester, against Bank Charter Bill.—By Mr. T. Duncombe, from J. Cappur, for Remission of Sentence.—By Sir John Guest, from Merthyr Tydvill, in favour of County Courts Bill.—By Mr. Beckett, from Canal Proprietors, against Joint-Stock Companies Bills.—By Mr. Strutt, from Derby, in favour of Postage Reform.—By Mr. T. Duncombe, from Public Meetings (7), respecting Opening Letters at the Post Office.—By Sir P. Egerton, from Birkenhead Railway Company, against Railways Bill.—By Mr. T. Duncombe, from Westminster, for remission of Sentence (State Trial, Ireland).

RAILWAYS—REGULATION OF JOINT-STOCK COMPANIES.] On the Motion that the Order of the Day for going into a Committee upon the Joint-Stock Companies Registration and Regulation Bill be read,

Mr. *Hawes* believed the Bill was imperfectly understood, and it was not known that the Bill would be proceeded with so soon. From communications which he had had with several persons, he found that the provisions of the Bill were not known to Joint-Stock Companies. The provisions of the Bill were not merely applicable to future Railway Companies, but to existing Railway Companies. They were of such a nature, and went into such minute details, that the Bill, if passed, would throw the greatest possible obstruction in the way of Joint-Stock Companies, present and future. It seemed to be the object of Her Majesty's present Government to interfere with everything and to settle nothing. The great object of the Committee which sat on this subject was to prevent the formation of fraudulent companies. But this Bill would not prevent the formation of fraudulent railway companies. It was an attempt to grasp at power which was perfectly unprecedented. There was no kind of petty legislation which this Bill did not embrace. He thought they had a right to know what was the opinion of Her Majesty's Ministers generally. The right hon. Gentleman (Mr. Gladstone) seemed remarkably hostile to the employment of capital in those great undertakings to which this country was so largely indebted. From beginning to end Joint-Stock Companies were to be placed under the control of the Board of Trade. The Bill had been materially altered since it was first printed, and very extensive powers had been given to the Board of Trade in reference to Railway Companies —[*dissent from Mr. Gladstone*]—and Insurance Companies. He would join issue with the right hon. Gentleman in reference to Railway Companies. The right hon. Gentleman intimated that the Bill did not apply to them. Now in Clause 76—

The *Speaker*: The hon. Gentleman, until the Order of the Day be read, cannot discuss the Clauses of the Bill.

The Order of the Day read.

On the Motion that the Speaker do leave the Chair,

Mr. *Hawes* said, the right hon. Gentleman had intimated that the Bill did not apply to Railways. [" Mr. *Gladstone*: No."] Then he would assume that it did apply to them; and indeed, he could conceive of no company to which it did not apply. The Insurance Companies had been included recently, and he thought they ought to have had notice. His great object was to elicit a clear exposition of the principles and intentions of the Government. To the Bill itself he entertained three objections—first, that the interference took place without sufficient notice to the several companies; secondly, that the interference was minute to a degree, which would be destructive of the proper management of the companies; and, thirdly, that the Bill gave to the Board of Trade a degree of power in reference to Joint-Stock Companies which it ought not to possess. He would be glad to know what necessity there was for a measure like this. Had there been that extent of fraud and deception in the formation aud management of Joint-Stock Companies, which alone could justify such an interference? He maintained that there had not. The evidence taken before the Committee on this subject was of the most unsatisfactory character. The hon. Member concluded by moving, that the House should resolve itself into Committee on the Railways Bill on that day six months.

Mr. *Hayter* seconded the Motion. The Bill was one for giving to the Board of Trade unlimited control over all Joint-Stock Companies. Every document even connected with the companies was to be sent to the Board of Trade. The Board of Trade by this measure was assuming to itself all those powers for the purpose of making itself an irresponsible tribunal, and enabling it to throw a net over every company, from which they could not escape. That was the real object of the Bill. Every penalty fixed by the Bill was, he would venture to say, unknown to the Constitution, enormous in amount, and unexampled in all times. Under such circumstances, he felt bound to support the Amendment of his hon. Friend the Member for Lambeth.

Mr. *Gladstone* was surprised that a measure like the present should have been met in the manner it had been by the hon. Member for Lambeth. The hon. Member made the measure a source of accusation against Her Majesty's Government. Thinking that such an accusation was unworthy of the hon. Member, and totally uncalled for by the provisions of the Bill, he should take no further notice of it, but go at once into the discussion of the objection that the hon. Member had raised. It must be recollected that the hon. Member for Lambeth was a Member of that Committee upon the resolutions of which the present Bill was founded—and if he (Mr. Gladstone) was not mistaken, that hon. Member agreed in every word of that Committee's Report. Whether the provisions of the Bill were meritorious or not Her Majesty's Government were not to blame. It was the act of the Committee, and the Committee alone, and the Bill was founded upon the resolutions they had come to. If there were details in the Bill that were objectionable, why should not the House go into Committee in order to amend them? The resolutions of the Committee had been printed no less than four months, and he challenged the hon. Member for Lambeth to state that any serious objection had been taken to the Bill during that period. Added to this, not a single Member of Parliament had given notice of any amendment to the measure. The principal object of the Bill was, that there should be established a public office, to which all parties soliciting to take part in Joint Stock Companies might repair, in order to know the real history of these companies. That was the groundwork of the Bill, and could any hon. Member doubt that it was most important that the Legislature should put a stop to the system that had been so long carried on of attaching the names of hon. Members, and men of importance and property, to schemes in order to entrap the unwary. The principle of the Bill was prospective legislation, and its provisions were to be applied to future companies. The registration required by the Bill for present companies consisted of a few and simple particulars, every one of which was recommended by the Committee, and assented to by the hon. Member for Lambeth. [Mr. *Hawes*: "No, no."] The twentieth resolution required that the registration should take place, and who was an assenting party to this resolution in the Committee? Why the hon. Member for Lambeth himself. How that hon. Gentleman could now come down to the House and make the large and general statement he had done—how he could assert in so sweeping a manner that this Bill was to apply not only to all future but to existing companies, was to him (Mr. Gladstone) a matter of so much surprise, that he could only account for it by supposing that he must recently have drunk very deeply of the waters of oblivion. But if there were all those evils really attached to the Bill which were asserted to be attached to it, let them get into Committee at once, and prune them out. The hon. Gentleman said the Bill would bring all future companies under its operation. He should meet that allegation as he had met the preceding one, by plainly asserting that it did not bring all future companies under its operation. This was not a point of law. Were it so he should not presume to say one word upon it, for he was no lawyer. It was simply a point of fact; and as a point of fact he contradicted the view taken of the provisions of the measure by the hon. Gentleman. But it was charged upon him (Mr. Gladstone) that the great object he had in view was to increase the power, the patronage, and the emoluments of the Board of Trade. By an Act, already in existence, the Board of Trade, in conjunction with Her Majesty in Council, could now exercise every privilege that the Bill now before the House gave, and many more privileges besides. The express object of this Bill was to get rid of the discretionary powers already vested in the Board of Trade—powers which caused him and all connected with him in his office very great anxiety and uneasiness. He could assure the House that when he was sitting in the Board of Trade with others about him, attending, to the best of his ability, to his duties, there was nothing gave the Board so much uneasiness and annoyance as the exercise of the discretionary powers already vested in them as to the management of commercial matters. He repeated the object of this Bill was first to limit these ungracious powers, and then to get rid of them altogether. As to the discretionary power which this Bill was to give with respect to joint-stock banks, it would give the power to make them a statutory body. But even this discretionary power was not a new one, but one rather of a relaxing than of a stringent character. Joint Stock Companies at present could not be formed with any privilege such as that of suing and being sued, except by coming to Her Majesty in Council, or by applying to Parliament. What was one of the main principles of this Bill? That under it they could be formed entirely irrespective of the Board of Trade, and they would be subject to that department only as to certain forms of construction and regulation. Under this Bill, there would be a power, for the first time, for persons to associate themselves in companies, for the purpose of commercial pursuits, without the fear of interference from any human being whatever. So that this Bill was, in fact, a limitation of the powers of the Board of Control, and not an extension, as had been asserted. But the most ridiculous of all suppositions was that the Bill was conceived in a spirit adverse to Joint-Stock Companies. Why he stood there as the organ of the Committee on whose resolution it was founded, rather than as a Member of the Government. And all that the Bill, in fact, proposed was to establish publicity as to Joint-Stock Companies, and a certain degree of regularity in their proceedings. For his part he could not conceive anything more extraordinary than that a Bill should be framed on the Resolutions of a Committee —that it should be passed without opposition in its early stages—and that it should afterwards be combated by one of the very Members who assisted in passing those Resolutions. But the hon. Gentleman (Mr. Hawes) said alterations had been made in the Bill within the last twenty-four hours. So there had been, as far as regarded Insurance Offices. They were to be not exempted, but excluded from this Bill. But this had been agreed to simply and solely on the condition that they were to be regulated separately hereafter. Even here, however, there was surely no extension of the powers of the Board of Trade. Then, as to railway schemes—what was the specific effect of this Bill? This—to cut away the encouragement which the present system gave to jobbers in scrip—men who had no real or permanent interest in the undertakings whose shares they sought for. This Bill certainly struck a very severe blow at those persons, and he was sure neither of the hon. Gentlemen opposite would disapprove of this. But whatever they did disapprove of would be best discussed and best settled or remedied when the House got into Committee.

Sir *W. Clay* thought the Bill called for by the necessity of the case though some of its provisions might be susceptible of improvement. It fairly carried out the Resolutions of the Committee, of which he was a Member. As to the effect of the Bill on Joint-Stock Companies, if there was anything on which the public mind was made up, it was on the necessity of some change in the mode of forming Joint-Stock Companies. The object of the Bill, by one general enactment, was to give all Joint-Stock Companies those advantages which they now sought by separate Acts. He should support the Motion for going into Committee.

Mr. *Godson*, instead of the Bill going too far, he thought it did not go far enough. One object of the Bill was to register existing companies, in order that they might be known. The Bill merely regulated the great discretionary powers already vested in the Board of Trade. Its object was to prevent the imitation of good companies by bad ones.

Lord *Seymour* could not suppose that the Board of Trade, was actuated by any hostility to Joint-Stock Companies. But he would suggest the propriety of excluding Railway Companies from the operations of the Bill.

Mr. *Parker* agreed that great harm had been done by the abuse of the principle of Joint-Stock Companies; but he considered that the advantages which had arisen from them more than preponderated, and they should be careful while legislating against the dangers, that they did not destroy the advantages also. One great principle distinguishing this country from others was, the non-interference of the Government with the regulations of trade. The right hon. Gentleman had accused them of being actuated by party spirit, because they alluded to the manner in which the Bill had been drawn up, and on the late period of the Session at which it had been introduced. Now, he recollected when the right hon. Gentleman would have been eloquent against any Bill of ninety-one Clauses, with every Clause ill-drawn, which should have been introduced on the 2nd of July. One great advantage they were promised from the change of Ministry was, that they were to have no ill-drawn Bills. Every measure was to be carefully considered, everything was to be well done; and now the right hon. Gentleman accused them of being actuated by party-spirit, because they objected to an ill-drawn Bill. He thought the Bill would confer very great patronage on a certain office in Whitehall. He objected to any preliminary interference being thrown in the way of companies, and he thought the right hon. Gentleman would do better if he had entirely confined himself to that class of Joint-Stock Companies not yet incorporated under Act of Parliament. He thought it would be better to separate the two classes which the right hon. Gentleman proposed to unite. He would not object to going into Committee if the right hon. Gentleman consented that no preliminary difficulties should be thrown in the way of persons coming to Parliament for Acts.

Mr. *Hodgson* was opposed to the Bill, not so much because it interfered with Joint-Stock Companies, as because it interfered with Railway Companies; but he would not object to going into Committee, because he could in Committee propose those alterations he thought advisable.

Sir *G. Strickland* had never held a railway share in his life, and he believed that he never should. Therefore anything which he might say would not be open to the objection that he was an interested party. He was surprised that the right hon. Gentleman should have thrown something like a slur upon those Gentlemen who had given the sanction of their names to the projected railway from London to York. He himself was one of those individuals; and his sole object had been to provide a check against the existing monopoly. Notwithstanding what the right hon. Gentleman had said, he was still of opinion that not only additional, but very great powers, were given to the Board of Trade with respect to the formation of new Railway Companies. The twenty-seventh Clause declared that it should not be lawful for the officers of the Company to exercise the powers given to them by Act of Parliament without the consent of the Committee of the Privy Council.

Mr. *Gladstone* proposed that they should go through the provisions of the Bill generally, and that it should then be open to any Gentleman to propose that railways should be excepted in certain particulars.

Mr. *Gill* thought the right hon. Gentleman the President of the Board of Trade was not justified in introducing some of the Clauses he had done into this Bill, with respect to railways. It was surely not the duty of the Board of Trade to throw obstacles in the way of measures of this description. All that the Board of Trade was called on to do, was to put an end to fraud; and if the right hon. Gentleman would only bring in a Bill for that purpose, he had no doubt it would receive the support of every Member. No statement had been made why railways were included in this Bill. He was glad to hear the right hon. Gentleman intended to take this measure into his further consideration.

Mr. *Entwisle* said, there was now sought in this Bill a power to regulate railway companies in their proceedings, even before coming to that House for their Act. This was a power which might be exercised in a very dangerous manner, and which, therefore, he should strongly warn the House to be careful of conceding. The Bill gave the power to receive the deposits of shareholders—a thing unheard of before. Again, it was proposed to invest in the Board of Trade a power to purchase hereafter such railways as might now or at any future period be contemplated and formed. These things, he must really suggest, were eminently worthy of the reconsideration of the right hon. President of the Board of Trade.

Mr. *Brotherton* thought there had been a good many railway schemes brought forward in connexion with which there had been more fraud and felony than ever he had heard of before in connexion with public matters. Many persons were extremely anxious to have railway matters excluded from the operation of this Bill; but, though he was aware it was an unpopular opinion, he felt bound to say they ought not to be excluded. There were constantly bubble schemes going forward to derange the market, and injure the honest *bonâ fide* speculator, that, under the provisions of this Bill would never see the light at all. Let them go into Committee, and then they might be able to correct the defects of the Bill, and send it forth to the world a useful and valuable measure for the protection of the community.

Mr. *Walter James* thought the Bill a most useful measure, encouraging, as it did, the trade of the country on the one hand, and discouraging bubble companies on the other. He approved of the preliminary investigation which had been objected to by the Member for Sheffield. A preliminary investigation was insisted on in all cases in which companies came to Parliament for a Bill, and he thought such an investigation ought to take place in all cases.

Mr. *M. Phillips* had come down to the House entertaining considerable prejudice against the Bill, but the course which the debate had taken had convinced him of the propriety of going into Committee. He certainly, with regard to railways, thought considerable caution ought to be exercised to prevent companies making an improper use of names. He himself had been asked some time ago by an hon. Member to put his name on the back of the Carlisle and Glasgow Railway Bill, and considering that a direct communication between Manchester and Glasgow would be advantageous, he had consented to do so. To his surprise, a few days afterwards he had seen his name in the newspapers as a member of a provisional committee of a railroad in embryo. He of course took measures immediately to rectify the mistake.

Mr. *James S. Wortley* hoped that, while excluding Railroad Companies from the operations of the Bill, they would not exclude sham railroad companies. One of the grossest frauds ever perpetrated had been called a railroad company. He thought the Clause making those who lent the guarantee of their names liable to a most wholesome enactment. He had no pity for those persons who thus lent their names and induced others to risk their property in undertakings of this nature. He thought the word "promoter" ought to be more clearly defined. He had himself, before he had the honour of a seat in that House, been a promoter of a Railway Bill before a Committee. He thought the words of the Clause ought to be so defined as not to include those who were professionally employed in promoting Bills before Committees. The hon. Member for Lambeth had agreed to the whole of the resolutions of the Committee on which the Bill was founded with one exception, a point on which he divided the Committee. If the resolutions were compared with the Bill, they would be found closely to resemble each other.

Mr. *Roebuck* objected to part of the principle of the Bill, and stated also that within a very few hours a most important Clause had been introduced into the Bill. He did not see any objection to including Joint Stock Companies and the formation of railways in the Bill. If it was to prevent fraud, it was as proper to prevent frauds in railway companies as in any other. He complained that the Solicitor General was not present on an occasion of discussing a Bill so important as the present one, and objected to the power under the Act given to the Judicial Committee of the Privy Council, which was no less than that of preventing parties from coming before Parliament for Bills. This was a distinct principle, and as it had not been discussed sufficiently, he hoped the Committee would not be pressed.

Amendment withdrawn.

House in Committee.

Some Clauses agreed to. House resumed. Committee to sit again.

SUGAR DUTIES.] Viscount *Sandon* wished to ask the right hon. Gentleman the President of the Board of Trade at what time there would be parties in Java and Manilla who would be authorised to issue certificates of origin of sugar, and also whether in cases where certificates could not be obtained sugar would be admitted without a certificate?

Mr. *Gladstone* said, that the advices which would go out by the July mail from this country to Java and Manilla, would find persons there qualified to issue certificates as to the produce of those islands. In answer to the other part of the noble Lord's question, he said that a discretionary power of course would be vested in the Board of Customs as to the admission of sugar without certificate.

PREVENTION OF SMOKE.] Mr. *Mackinnon* on moving that Mr. Speaker do leave the Chair, that the House may resolve itself into a Committee on the Smoke Prevention Bill, said, he deemed it his duty to explain to the House the reasons that had induced him to bring forward this measure and to frame this enactment. In the course of last Session a Committee was formed of which he was named Chairman to investigate whether detriment arose to the health of the community from the increase of smoke in all large manufacturing places. The attention of the Committee was directed in the first instance, to ascertain whether such nuisance wes injurious to the health of the population, which was shewn to be the case from preventing among the lower classes that attention to personal cleanliness and comfort so necessary to a healthy state of existence. The Committee then, under his advice, proceeded to investigate whether or not the nuisance of smoke could effectually be prevented; next, if such was the case if the prevention could be effected without injury to the interests of the manufacturers, and lastly, in the event of the two former enquiries being answered in the affirmative, whether any legislative enactment could be framed so as to prevent the nuisance. After a considerable time was occupied in examining witnesses and proprietors of factories, the evidence was conclusive, that smoke, which is imperfect combustion, could be effectually prevented by the admission of atmospheric air into the furnace in a certain quantity, it also came out in evidence that a considerable saving of coal might thereby be gained, in fact, the saving of fuel to the proprietor would in a very short time, more than make up for the expense of the apparatus to cause perfect combustion. In fact some of the ingenious persons who had devised the means of preventing smoke, were willing, at their own expense, to put up the requisite apparatus in furnaces at their own cost, on being allowed by the proprietor one-half of his gain in the saving of fuel. He (Mr. Mackinnon) thought it right here to mention that the Committee was not composed of his personal friends, or of Members on his side of the House, but was composed chiefly of Gentlemen representing large manufacturing towns such as Manchester, Leeds, Bradford, Ashton, Liverpool, and others, and also of the Members for Lancashire and Cornwall, and the metropolitan districts, districts where most coal was consumed. After hearing a vast mass of evidence the Committee came to the unanimous conclusion that the nuisance was great and ought to be abated, and that a resolution should be agreed on, that a Bill be brought into Parliament for the purpose by the Government, that in the event of Her Majesty's Ministers declining to frame a Bill, that he (Mr. Mackinnon) as Chairman of the Committee should undertake that duty; he added, that as far as he was individually concerned, he felt no interest in the matter, as both in London and the country he was not annoyed by smoke but that he had undertaken the measure on public grounds as Chairman of the Committee and as a Member of that House. So satisfied were the population of Leeds, that the nuisance of smoke could be prevented that they passed a local bill to prohibit the nuisance; this Bill had been rendered inoperative from the manner in which it was drawn up, as the Bill allowed the magistrates, under their warrant, to let an Inspector enter the premises of a factory, and examine if the apparatus for preventing smoke was equal to the purpose. This power to enter premises was very obnoxious to the occupants of factories, besides which, the inspectors did not turn out to be persons capable of forming an opinion as to the efficiency of the machinery set up to prevent imperfect combustion. In consequence, the Local Bill of Leeds, became a dead letter. In his Bill he (Mr. Mackinnon) had endeavoured to avoid the mistake in the Leeds Bill, he had thought it advisable, in the first place to define the nuisance of opaque smoke and then to fix a fine for the commission of the offence. He added that any one acquainted with the forms of that House, must know the hopelessness of any Bill being taken through that House by an individual unless supported by the Government, even the Government themselves were often foiled in their attempts at legislation, he was however desirous at this stage of the business, to learn the intentions of the right hon. Gentleman at the head of the Government and to ascertain this, and the sense of the House, he moved, that Mr. Speaker do leave the Chair.

Mr. *Manners Sutton* said, that since the Bill was introduced, it had been his business to make some inquiries on the subject of the parties interested in the Bill, and the result was so very unsatisfactory that he felt the greatest difficulty in pronouncing any decided opinion upon it; and as he did not think the House was then in a condition to come to a decision upon that important measure, he hoped the further consideration of it would be adjourned.

Mr. *Ward* said, if the Bill were persevered in, he was determined to oppose it in every stage. He moved that the House would resolve itself into a Committee that day three months.

Sir *J. Easthope*: I presented a petition from the town of Leicester, in accordance with the general principle of the measure proposed by the hon. Member for Lymington, and I am quite disposed to concur in the general principle of his Bill; but, perceiving as I do the prevailing sentiment of the House to be against proceeding with it at the present time, I recommend his consenting to its postponement, and I hope it will be revived with success early in the next Session.

Sir *R. Peel* also expressed a hope that if the hon. Gentleman withdrew his Bill for the present, he would be enabled to take it up more successfully next year. This, however, would mainly depend upon the assistance he could get from those who were capable of affording it; and he did hope, that all persons connected with the manufacturing districts, and who were anxious for the health of the towns with which they were connected, would turn their attention to the subject; otherwise the exertions of the hon. Member for Lymington next year would probably turn out as fruitless as they had been on the present occasion. He understood that there were some forty or fifty inventions for abating this nuisance, and he hoped that men of practical experience would examine some of them.

Amendment carried.

Bill put off for three months.

CUSTOM HOUSE OATHS—CHINA.] Dr. *Bowring*, according to notice, begged to ask the right hon. Gentleman at the head of the Government, whether the Government had given its sanction to the introduction of oaths in Custom-house matters in China, as directed by the British Consul at Ningpo. He understood that this practice was carried on to a very great extent, captains being called upon to make oath of the number of passengers, and to swear to the manifests of cargo.

Sir *R. Peel* said, that the administration of oaths in the way described by the hon. Member, had been done without direct authority from Her Majesty's Government. Her Majesty's Government, however, would take care to communicate with the Consul at Ningpo, directing him to adopt, as far as possible, the practice of the English Custom-house in these matters. The Consul had, probably, acted hitherto in the way described, under the apprehension that the practice in England was such as he had adopted.

MINISTERS' MONEY (IRELAND).] Mr. Sergeant *Murphy* rose to move,

> "That this House will, upon Tuesday next, resolve itself into a Committee, to take into consideration the Act 17 and 18 Car. 2, c. 7, intituled, 'An Act for provision of Ministers in Cities and corporate Towns, and making the Church of St. Andrew's, in the suburbs of the city of Dublin, presentative for ever', with a view to the repeal of so much thereof as relates to the payment of ministers in corporate towns in Ireland."

The Act was passed for the purpose of providing religious instruction for Protestant immigrants from this country and the Continent into Ireland. It was no longer necessary; and although it produced no more than 15,000*l.* a-year, it was at once oppressive and offensive to the Roman Catholic population. He knew many Protestant clergymen who derived a portion of their stipend from this peculiar source, who would feel grateful to the Government if it would devise means for relieving them from getting their revenues in such an unpleasant manner. He had read a statement from a Protestant clergyman in Cork on this subject. It was stated that the late Dr. Warren had distrained on a portion of his parishioners for Ministers' Money. A deputation waited on him, and requested him to give back the goods which he had distrained. His reply was, that he wished to God some other mode of remunerating him could be devised by the Government, but that he owed it as a duty to his successor to maintain his rights. Dr. Warren was, he thought, justified in saying so. He trusted the House would do him the justice to believe that he was actuated by no sectarian motives in bringing forward this subject, as all he wanted was to induce the Government to provide a revenue for the clergy, without having recourse to these charges. The Act had established a valuation of all existing houses, but it had fixed certain limits, by enacting that no House should be valued as being worth more than 60*l.* a-year. The consequence was, that the houses of the rich, which were perhaps worth 200*l.*, were assessed to the Ministers' Money only at 60*l.* a-year, while the houses of the poor were assessed at their full rental, and if the assessment was not paid the goods were at once distrained, and there was no appeal against the restraint. The hon. and learned Gentleman concluded by proposing his Motion.

Lord *Eliot* had certainly promised last Session to take the subject into consideration, and he had redeemed that pledge, for both his right hon. and learned Friend the Attorney General for Ireland and himself had maturely considered the subject, but he regretted to state that the Government had been unable as yet to devise any plan which would be satisfactory to the persons subject to the payment of the tax, without depriving the clergy of that to which the hon. and learned Gentleman himself admitted they were fairly entitled. It should be remembered that at the time this Act passed, Roman Catholics were incapacitated by law from holding houses; therefore it was a tax imposed upon Protestant property exclusively, and Roman Catholics, who had since become possessed of that property, had acquired it subject to this tax, and, therefore, had purchased it for less than they would otherwise have given for it. He did not abandon the hope of being able to devise a measure at some future time to remedy the grievance, which he admitted the existence of, but he could not accede to the Motion of the hon. and learned Gentleman, and he hoped he would not press it.

Mr. *Bellew* hoped, that before another Session the Government would prepare a measure to carry out the object of his hon. and learned Friend.

Lord *Stanley* could inform the House that the subject had occupied the serious attention of Government, with the view of devising some substitute for Ministers' Money. They had not yet succeeded, but he trusted that before the close of next Session they would be enabled to submit some measure on the subject to Parliament.

Mr. *John O'Brien* said: In addressing you on the important subject now under consideration, it would be presumptuous in me to suppose I could suggest any view, or unfold any argument not already submitted to the legislative wisdom of Parliament, or the collective intellect of the country. The present is a branch of that great question which, so fatally for Ireland, has long absorbed the feelings of that country, and painfully occupied the attention of this House. The temporalities of the Protestant Church in Ireland are inseparably connected with its history, and from the period of their first alienation, even to the present time, have been intimately and avowedly associated with those social distractions, with those national disturbances which have so long retarded the prosperity of that country, deteriorated the moral character of its people, and arrested the development of those physical capabilities with which it has been so profusely but so unavailingly gifted. The unexampled position of such a Church—repudiated by the prejudices, disavowed by the opinions, yet sustained by the contributions of an impoverished and dissentient people, has been, in the anomalous history of Ireland, that fatal malady, that organic defect, which has poisoned the springs of national prosperity, given to sectarian hatreds an unnatural longevity and prohibited that incorporation of the vanquished with the victors, which the claims of a common country and the instincts of a mutual interest would ere now have successfully achieved. The people of Ireland resisted the imposition of an alien church; the fervour of religious zeal was fortified by the suggestions of national pride, and the Anglican Church in Ireland, rich in revenue, but poor in ecclesiastical utility, with parishes without churches, with churches without congregations, stood forth in bold relief, the enduring and conspicuous monument of your injustice and of our subjugation. But well would it have been for the repose of Ireland; well for the safety of that empire of which she forms so important, yet so unregarded a portion; well for the character of that common Christianity which suffers in the conflict of creeds, had the claims of secular ambition superseded those of sacerdotal rapacity, and had the forfeited rights of the national church in Ireland been transferred to a lay proprietary, no matter what the denomination of its creeds. Prescription would have ratified the transference, time would have obliterated the recollection, and the constant interchanges of property would have called into aid a native of Catholic proprietary. Thus, the country would have been saved the distractions—the empire the peril—and religion the desecration of a spiritual coporation tainted by earthly passions, corroded by unappeasable fears, viewing with vindictive consciousness the sullen jealousies of a dissentient population, and proclaiming in permanent and offensive commemoration the fallen condition of the ancient Church, and the humiliation of a subjugated people. The Protestant Church Establishment in Ireland is an anomaly in the history of mankind, it is perfectly without a parallel. By what remote or analogous example will you vindicate its character? In what region will you find the Church of an opulent minority claiming a national and exclusive establishment? Not in philosophical France, so wisely adopting the ministry of all its creeds. Not in despotic Austria, ruling its many sects with equal and paternal sway. Not in Spain. Not in Italy, the consecrated abode of Catholicism. Perhaps the Ottoman, who spurns the Christian dispensation, may furnish a precedent to justify Christian rapacity, but he refuses to give you an exculpatory example. He propagates the doctrines of the Prophet by the congenial instruments of the Koran and the sword; he exterminates, it is true, but he does not, in the name of a merciful religion, proscribe kindred and associated sects; he does not gild the minarets of his mosque with the patrimony of the poor, nor, in the name of a religion which, disavowing the attractions of this probationary scene, points to the eternal recompense that awaits the self-denying virtue of the Christian, does he aggravate the sufferings of an impoverished people, by the infliction of an intolerant law? But, perhaps, the New World may furnish you a precedent denied by the Old. Look to America, with her multiplied and enlightened community, combining the accumulated wisdom of years with the vivifying energies of youth. I cannot find that she considers the ascendancy of a dominant Church essential to the purposes of religion; she does not hold it vital to her great federative republic, to consign any sect of her associated communities to a legislative inferiority; she has improved upon the wisdom of her ancestors, and has transferred to a virgin soil the great principles of your free institutions, unstained by irrational bigotry or sectarian distinctions. But " is there aught in the domestic economy of your empire" which indicates the anomaly of your Church? But here also you fail in gaining a precedent or an apology. In England the Church Establishment, venerable by its virtue, and recommended by its utility, represents the opinions, and is sustained by the affections of an enlightened people. Scotland, Presbyterian Scotland, with all the hardihood of its strenuous character, resisted the encroachments of an Episcopal Church, and exults in the profession and in the establishment of its simple and republican creed. In Wales, a subordinate principality incorporated with your empire, and participating in your privileges, the national priesthood are established by the law, and sustained by the willing contribution of the people. Ireland alone, in disastrous singularity, stands forth an exception to the principles of reason, to the spirit of the Gospel, to the example of the Turk, to the concurring testimony of the Old World and the New—and there we have an unblushing Church, repudiated by the belief of the country, and deriving a disreputable existence from the compulsory contributions of a dissentient people. But, perhaps, you will here suggest, it is the right of governments to establish true religion; this is the argument of the bigot and the persecutor; each sect claims the distinction, and is equally entitled to the privileges of the orthodox Church; persecution becomes the prerogative of the priest, Catholic or Protestant, Mussulman or Hindoo; religion is desecrated, and society shaken to its base in the barbarous conflict of creeds. Your Establishment has been ratified, it is true, by the concurring compact of two Legislatures. I waive here all reference to the character or questionable authority of that Parliament which, in the condition of the Legislative Union, so inadequately provided for the interest and dignity of their country. But I ask, on what principle it is you claim for Governments or Parliaments the right to legislate in perpetuity, and control the discretion of a posterity yet unborn. What are the duties of legislation? What, but to promote the well-being of society, and wisely to accommodate its enactments to the varying character of the moral, the political the material interests of man. Neither in his moral or physical relations ought you if you could—nor can you if you would—enact a stationary law. Change and progression are the condition of our being; and the character of religion, and the well-understood interests of society, alike prohibit the unavailing effort to limit the development of intellect, and the indefinite progress of mind. Religion, with all its accessaries, is among the most difficult, as it is the most important of those subjects which awaken the attention and exercise the intellect of mankind. For it too, perhaps, as in other sciences, may be reserved in fulness of time the aids and illustrations of a maturer development. The acrimonious spirit of sect may yet be absorbed by the properties of a comprehensive Christianity; and sublime morality of the Gospel, unimpaired by the advocacy of the bigot, or the doubts of the infidel, may yet rule a fallen but regenerated world. Abandon then, the illusion of inflexible compacts, of immutable establishments; accommodate your institutions to the advancing spirit of the age, and to the existing condition of the country; and tried by either test, can you say that the Church temporalities of Ireland are entitled to a legislative maintenance? It is said, that in this establishment consists the safety of the international connection. It is the fatal taint which portends its dissolution; it cannot be denied it is the legitimate offspring of that connection, for Ireland, unless so controlled, would not tolerate the indignity; hence the alienation of which you complain; hence the agitation of that portentous question, which now, as you announce, menaces the integrity of your empire. Protestant ascendancy essential to the international connection!—it is a false and unsubstantial pretext. We require no sectarian garrison to control our allegiance; if so permitted, we shall willingly abide by British connection, from a sense of the many benefits it is calculated to confer. We are the poorer and less prosperous country: I stop not to reproach you with the causes—but we, even more than you, should seek a full and unreserved connection; our relative positions point to its necessity, and the triumphs of intellect, and the miracles of science, are each day facilitating a more intimate incorporation. How is this question to be adjusted? Will the Catholic submit to the indignity of your exclusive Church? Let the experiment of three centuries, let the accumulating wealth and numbers of a rapidly-expanding people reply to your inquiry; and shall we, then, be reserved for a perpetuity of discord? Yet do not suppose that you are uninterested parties. Imperial interests are compromised by our distractions. Look to your Exchequer, calculate what our disaffection stands you in—it exceeds the revenue of that Church for which you lose the affections of Ireland, and are content to lose them. Look to your present profuse expenditure, to your elaborate preparation for war, alternately the subject of our ridicule and of our humiliation. This is emphatically an Imperial question, and therefore I call upon the representatives of England and of Scotland to adopt it with all the energy of a personal interest. Let them, as they ought, and as they are constitutionally entitled to, interfere with the weight of a decisive authority. Let them, I would say, relieve the Irish Protestant representatives from the painful, though now imperious obligation of legislating against the temporalities of their Church. It may not, perhaps, be for me to dwell on this branch of the subject, I shall only say, that I do not depreciate or underestimate the peculiar character of their position. Nor is your condition—I address myself to the Government—without its difficulties. You rule by a minority, you administer the prerogatives of office by the instrumentality of party; your Church Establishment and its policy place in hostile antagonism, as respects you, the universal Catholic population of Ireland; its evil genius follows you in every department of the State. Would you liberalise the franchise, you place constitutional weapons in the hands of your enemies; do you open the corporations, the taint of your ascendancy poisons the gift, and excludes the Protestant from municipal dignity; do you extend the blessings of education, you sharpen the sensibilities and augment the power of an intelligent and hostile people. You speak of what is termed an impartial distribution of patronage; it is an impracticable announcement. What Catholic can seek, can accept your patronage, while in his regard the great principles of justice are violated, and the religion he professes, that of four-fifths of the Christian world, consigned to ignominy and humiliation? The Catholic who accepts your patronage, forfeits character, and you gain no accession. It cannot be denied that the Protestant mind of Ireland is not unprepared for some important change. The Protestants begin to feel that their ascendancy as a sect may be too dearly purchased by the prostration of their dignity as a people—that national distractions impair national influence, and that they suffer in imperial depreciation the penalties of an unjust prominence. For what is the value of our representation in your Parliament? It is not the sum of, but the difference between antagonist parties: we are balanced and neutralised by our dissensions; even on subjects of the most urgent or most ordinary interest we have not the compact energy of Scotland—we have not your dispassionate unanimity. There is, it cannot be denied, a fast growing apprehension in the humbler but intelligent classes of the Protestant community, that, as regards them, their value of those temporalities is much overrated, and that the great prizes in the clerical lottery are reserved for the members or the dependants of a limited oligarchy. There is a strong persuasion rapidly developing itself among them, that social distractions, national weakness, perishing trade, paralyzed industry, and emaciating absenteeism, may be a somewhat extravagant price for the pride or the vanity—for in their regard it is no more—of an ascendant sectarianism. The inquiry recurs, how is the important and now urgent question to be arranged? There is but one course, simple, direct, and unequivocal;—rescue the Protestant from his ascendancy, the Catholic from his humiliation; give equality to all, pre-eminence to none; at once, and for ever abandon a system condemned by reason and the results of centuries. Are you prepared for this great work of national redemption, of imperial safety? I am not insensible to the embarrassments which surround you, nor to the principles and professions by which you gained, and on which you accepted office. Yet there are more imperious duties than the obligations of party—there are yet loftier considerations than the distinctions of office, or the possession of power. You have announced that you will assert the supremacy of the law, and you have assailed the pride of Ireland in the person of its distinguished leader, of that eminent man, long associated with their constitutional triumphs, with their proudest recollections. Perform the corresponding duties which now devolve on you to discharge, and legislate for the wrongs of Ireland with a fearless and paternal spirit. Retrieve, ere it be too late, the all but forfeited affections of her people, and even at the eleventh hour give to them the pledge of an altered policy, by assenting to the Motion of my hon. Friend.

Mr. *Curteis* said, that although the hon. Gentleman who had just spoken had wandered somewhat widely from the subject-matter of the Motion before the House, he could not commend the courtesy of hon. Gentlemen opposite, in endeavouring to interrupt him by counting out the House, more especially when he recollected that the Government were often permitted to take votes for thousands of the public money, when the attendance of Members was even smaller than on the present occasion. He should support the Motion.

Motion agreed to.

House adjourned at half-past six o'clock.

HOUSE OF LORDS,

Thursday, July 4, 1844.

Minutes.] Bills. *Public.* — $3^{a.}$ and passed: — Privy Council Appellate Jurisdiction Act Amendment.

Received the Royal Assent.—Sugar Duties; Vinegar and Glass Duties; Slave Trade Treaties; Gold and Silver Wares; Forestalling, etc. Offences Abolition; Night Poaching Prevention; Assaults (Ireland); Limitation of Actions Act Amendment (Ireland).

Private.—$1^{a.}$ Lord Cranstoun's Estate.

$2^{a.}$ Holmfirth and Dunford Road; Coventry Improvement and Cemetery; Duke of Hamilton and Brandon's Estate; Passingham's Estate; Cheape's Divorce (India).

Reported. — North Wales Mineral Railway; Taff Vale Railway.

$3^{a.}$ and passed: — Garnkirk, Glasgow, and Coatbridge Railway; Edinburgh, Leith, and Granton Railway; Ramsden's Estate.

Received the Royal Assent.—Leeds and Bradford Railway; Manchester, Bury, and Rossendale Railway; York and Scarborough Railway; Eastern Counties Railway (Brandon and Peterborough Extension); Salisbury Branch Railway; Whitehaven and Maryport Railway; Chester and Holyhead Railway; North British Railway; Edinburgh and Glasgow Railway; Brighton and Chichester Railway; South Devon Railway; South Eastern Railway; Slamannan Railway; Stratford (Eastern Counties) and Thames Junction Railway; Swansea Harbour; Preston and Wyre Docks; Coventry Water Works; Sheffield United Gas; Manchester Bonding; Manchester Police; Manchester Stipendiary Magistrates; Manchester Royal Infirmary; Manchester Improvement; Nottingham (West Croft Canal) Improvement; Pulteney Town Harbour Improvement; Southampton Marsh Improvement; Canterbury Pavement; Liverpool Fire Prevention; Rother Levels Drainage; Lakenheath Drainage; Cwm, Celyn, and Blaina Iron Company; British Iron Company; European Life Insurance Company; Sidmouth and Collumpton Road; Edwards' Estate; Dowager Lady Rivers' (or Rigby's) Estate; Blythswood Estate (Campbell's); Marquess of Ailsa's Estate; West Croft Inclosure (Nottingham); Bleddfa and Llangunllo Inclosure; Marianski's Naturalization.

Petitions Presented. By Bishop of London, Earls of Galloway, Fortescue, and Mountcashel, and Lord Campbell, from Bailieboro, and a great number of other places, against the Dissenters Chapels Bill.—By Duke of Buckingham, and Lord Redesdale, from Moulsol, and several other places, for Protection to Agriculture.—From Merchants, and others, of London and Westminster, against the Repeal of the Corn Laws.—By Lord Campbell, from Aberdeen, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—By Earl of Radnor, from Westminster, for Remission of the Sentence upon Daniel O'Connell, M.P., and others.

St. Asaph and Bangor.] Lord *Wharncliffe* brought up the Report of the

Committee appointed to inquire with respect to this Bill. The Committee reported that they had inspected their Journals, and found no precedent on the subject referred to, and he moved,

> "That it be an Instruction to the Committee to consider, whether the Bill for preventing the Union of the Sees of St. Asaph and Bangor belongs to that class of Bills for which it has been the Usage to give the Consent of the Crown before passing the House; and to report generally on the Precedents bearing on the case, including the question of the particular stage of the Bill at which such consent has been usually given."

The Marquess of *Clanricarde* said, he did not, of course, rise to oppose the Instruction, because it would be useless, and perhaps not decorous of him to do so, but he must express his doubt of the expediency and wisdom of it. It would be impossible for the Committee to make a satisfactory report in answer to the question. They must either on the one hand, decide that the Bill was one for the passing of which the consent of the Crown was required, and thereby give to the Minister of the day a power which Parliament had not recognised hitherto, or if, on the other hand, they excluded the Bill from that class, they might inflict a serious blow on the patronage and, perhaps, the prerogative of the Crown. He thought, therefore, it would be right not to moot the question, but to leave it as it stood, no practical evil having arisen.

Lord *Monteagle* thought the course proposed was the only proper one to take. There was a question whether the Bill came under a class of Bills for which it was the practice to obtain the Consent of the Crown. It would be anticipating the report which the Committee was about to make, if he said whether the Bill belonged to that class or not; but if there was to be any order in their proceedings, if there was any class of Bills which required the consent of the Crown, and if it was necessary for their Lordships to ascertain whether a particular Bill belonged to that class, the most clear and satisfactory way of solving the doubt was to institute an inquiry. If the principle laid down by his noble Friend was correct, Parliament had been proceeding—as far back as precedents would carry us—in a very strange course, for they had been asking and receiving the consent of the Crown to Bills; and so far from vesting in the Government any control over their Lordships, it seemed to him that it was the fairest principle, and in no one instance had it worked any practical injury.

Lord *Clanricarde* did not think it a proper principle to lay down that a Bill of this sort, or of any sort, should be stopped in its progress through that House on the ground that it had not received the Consent of the Crown.

The Duke of *Wellington* suggested that if the word "required" was altered, perhaps the noble Marquess's difficulty might be removed. The words might be—"to which it has been the usage to give the Consent of the Crown.

The Marquess of *Clanricarde* intimated his acquiescence, and the Instruction thus modified was agreed to.

Post Office—Opening Letters.] The Earl of *Radnor* moved for the appointment of a Committee of which he had given notice for this evening. He would move for the Committee precisely in the words of his notice, with the exception only of adding the name of another foreign gentleman of the name of Stolzman, whose letters had recently been opened at the Post Office. He would persist in his Motion notwithstanding what had passed in the other House of Parliament, although he had been told that the appointment of a Committee in the other House on the same subject as that to which his Motion referred, namely, the opening of letters at the Post Office, would render it unnecessary for him to proceed further. But he had two very good reasons for persisting in the course he had adopted: the first was, that if a Committee of that House were appointed to investigate this matter, it would carry with it a weight which a Committee of the House of Commons could not possess, inasmuch as any evidence taken before their Lordships' Committee would be upon oath, which was not the case before Committees of the House of Commons, and moreover their Committee would have the benefit of the great legal authorities in the investigation; and the other reason was his sense of the great importance of the question itself, an importance which had increased not only every day since the subject was first mooted in that and the other House, but which was constantly manifesting itself in the excitement and irritation which the subject created in the public mind. The question had now assumed a very different aspect from that which it bore when it was first brought forward. For his own part he had not believed at first that the power in question was ever exercised, and the public in general had been very confident that it never was exercised, but that the letters which passed through the Post Office were perfectly sacred and untouched, and that no violation of that sacredness was practised; but the revelations which had been made since in that House had opened the eyes of the public, and though he believed no one, either in that or the other House had admitted that it had ever before been exercised in the way it was by the present Secretary for the Home Department, yet from what had been said by the noble Marquess below him (the Marquess of Lansdowne) and by his noble Friend opposite, the son of a former Postmaster (the Earl of Tankerville), it appeared to have been the practice for the Secretary of State to give an order for the opening of particular letters; but when they came to consider the acts which were relied upon as justifying the practice, it appeared to him from the first to be very doubtful whether there was sufficient authority to justify the proceeding. On a previous evening a noble Friend of his had stated that one main object of the first establishment of a General Post Office was avowed to be the facility it would afford for obtaining a knowledge of the contents of letters passing through it. He (Lord Radnor) had taken the liberty, on that occasion, of saying that he did not believe that was the main reason for passing the Ordinance, as it was called, for the first establishment of the Post Office in this country. He had since referred to *Scobell's Collection* and although he admitted that such an object was mentioned in the preamble, yet he did not believe it was the main or principal object. He would read an extract from the preamble, and their Lordships would see that although it stated that such intelligence might be thereby obtained, and it was strange that such an object should be stated, yet it was not the great, or main, or primary object. The preamble was to the effect, that it had been found by experience that the erection and settling of one General Post Office, for the carrying of letters or rescripts between this country and Scotland, and Ireland, and parts beyond the seas, was the best means of promoting the convenience of trade and commerce, and also of carrying the public despatches: the preamble then went on to say that the object was not confined to that only, but that such an establishment would be the means of discovering treasonable and wicked designs, which were daily set on foot, and which could not well be communicated but by letter. Therefore, however strange it might be that this matter should be introduced in the preamble, it did not appear to be the main object of the Ordinance, and in the time of Charles II., when the Post Office was established by Act of Parliament, there was no such thing in the Act. But it was said that there was this provision in the Act of Queen Anne, and that it was continued in subsequent Acts, and repeated in a certain form in the last Act, that of the 1st Victoria, which authorised the Secretary of State to stop, delay, and order the opening of letters. Now, he said there was no such thing. The provision of the Act, it was true assumed that the Secretary of State had such a power, for it stated that no letter should be detained or opened except under the express warrant of the Secretary of State, and that penalties for opening letters should not attach to the officials of the Post Office if they had received authority from the Secretary of State. But their Lordships would see that this was a very different thing from giving the Secretary of State such a power. It assumed that by law, or by prescription, or in some way, such an authority existed, but he should like to know where it existed. He hoped to hear the opinion of some noble and learned Lord on this point, but he could not find such an authority either in the Common or the Statute Law. By the Common Law it certainly could not exist, because the Post Office itself was too recent an institution for the Common Law to sanction any of its practices, and Statute Law which gave such a power to the Secretary of State, there was none. He was not aware of any case in which this question had been brought directly before a court of justice, nor had there been any judicial decision upon it in any Court, as it regarded the opening of letters in their passage through the Post Office; but there had been cases in former years before the Courts in which points were raised analogous to that which had now arisen. In Mr. Wilkes's time some opinions were given in cases which excited a great sensation at the time, and which bore very strongly upon this case. In one thing, certainly, he (Lord Radnor) had been greatly in error before he made the inquiries which he had since been enabled to make. He had believed that the

Secretary of State was *ipso facto* a conservator of the peace throughout England, but this was denied by Lord Camden, in Entick and Carrington, Lord Camden said, "I will not deny that he can commit for treason." It was at that time set up that the Secretary of State was *ipso facto* a justice and conservator of the peace throughout England. Chief Justice Holt had given an opinion, from which Lord Camden differed in that elaborate opinion pronounced by him (for the judgment delivered by Lord Camden, in the case of Entick *v.* Carrington, in 1765, was evidently the result of great consideration). Lord Camden said:—"Chief Justice Holt has given on a former occasion an opinion that the Secretary of State can commit for treason. I am forced to deny that the opinion of Chief Justice Holt is law, if it be taken to extend beyond treason." The argument was, that the Secretary of State could not administer an oath, and that, therefore, he could not commit. Chief Justice Holt's opinion was formed on the case of Anderson (whether Anderson was the name of the case or of the reporter, he did not know); but Chief Justice Holt gave an opinion on it, and Justice Rokeley was of the same opinion, that as the Secretary of State could administer an oath, he could commit for treason. But Lord Camden said, "I know that he cannot administer an oath." If, then, the Secretary of State could not perform the functions of a justice of the peace, by what authority could he issue this warrant? If it was by the Common Law, as Lord Camden said with regard to the issue of a warrant, how happened it that no law-book mentioned it? But it was said, if there was no law in favour of the power there was a usage. Now he would read what Lord Mansfield said, in the case of the King *v.* Leach and Money. Lord Mansfield said:—

> "Then as to the authorities, Lord Hale and all the others hold that an uncertain warrant is void. It is said that the usage is so, and that many such warrants had been issued since the Revolution; but such a usage to be law ought to be *communiter usitata et approbata*, and such a one as it would be mischievous to overturn—[he believed no one would say that of this power]—and this is only the usage of a particular law office, and contrary to the practice of all other conservators of the peace."

If it were argued that it was always the usage and practice for the Secretary of State to open the letters, then, according to the opinion of Lord Mansfield, it should be *communiter usitate et approbata*. In a case where the usage and constant practice of an office was urged, Lord Mansfield said that it was only the usages of a particular office, and that it was contrary to the general usage; and Lord Ashton said that there was no doubt whatever as to the illegality of the warrant. If there were no law and usage in support of it, and that the power was of the nature which he had described, what then became of the right of the Secretary to issue his warrant for the opening of these letters? In the case of Carrington, which was one where private papers were seized on in a House by the King's messenger, Lord Camden said that such papers "were the dearest property, and so far from there being a right to seize them, they could hardly bear inspection, and although the eye, according to the law of England, could not commit a trespass, yet the fact of the inspection of those secret papers would aggravate the trespass. Where was the written law that gave such a power? He could safely answer there was none." Now, that was the opinion of Lord Camden with respect to the seizure of private papers in the possession of an individual, and with his full knowledge; what, then, would he have said had he been told, that the law compelled persons under penalties to send their letters by no other conveyance than the General Post, and that those letters might there be seized and examined by another public officer? What would Lord Camden have said, had he been told that an officer of the Government came down to the Post Office, and by virtue of a warrant laid hands on the letters of individuals, opened them; read their private correspondence, and made himself master of the secrets of families? How much stronger, then, was this case than the former! The Ordinance in Scobell stated, that a great advantage of the Post Office was the facility it afforded to commerce and communication; but if the power of detaining letters and examining them were to be exercised, as it had been but recently, see what evils would result, and the great injustice that might be done by the detention of commercial correspondence in the Post Office. Let them look to the case of a bill of exchange. Notice of dishonour of a bill of exchange, transmitted through the post at the proper time, would fix a responsibility on an endorser, from which in the case of neglect or delay he would be exonerated. See the very great injustice that might thus be done, although the Ordinance stated that the principal advantage arising from the establishment of the Post Office would be an advantage to commerce —what immense injustice might be done by the exercise of such a power by the Secretary of State. Could it be said that letters were not delayed in the Post Office? There was no doubt that they were. He knew a Gentleman whose letters had been delayed—he had been in communication with a gentleman who stated that his letters had been delayed in the Post Office; that Gentleman was ready to prove that they had been delayed in the Post Office, and if their Lordships would grant this Committee to inquire into the practices in relation to delaying and opening letters in the Post Office, he (the Earl of Radnor) would be able to prove it. There was one argument which had been greatly relied on with reference to the exercise of this power by the Secretary of State, namely, that it was necessary for the safety of the State—an argument which was very shortly and ably disposed of by Lord Camden. He (the Earl of Radnor) would not say that he could not conceive that there might not arise circumstances which would warrant such an interference, but he hoped he never should witness such circumstances; and he should say that to anticipate them by an Act of Parliament was the most foolish thing which could be done. He could not help thinking that when the Secretary of State thought the public safety required such an examination of letters, he ought to open them upon his own responsibility. If the law were to be violated with the object of securing the safety of the state by seizing upon correspondence, then the Secretary of State ought to violate the law upon his own responsibility, and, having done so, he ought to come down to Parliament and boldly say he had done so because there had been a public necessity for it, and call on Parliament to protect him from the consequences, that at least would be a manly proceeding; but Parliament ought not to ancicipate such a necessity for that course by the provisions of a bill. Those who urged the necessity of opening the letters, in order to secure the safety of the State, supposed the case of correspondence, the seizure and examination of which might prevent rebellion or disturbance at home; but such a necessity for the interference of the Secretary of State could never have been anticipated with respect to the letters of foreigners. It appeared to him (the Earl of (Radnor), that this detention and examination of the letters of foreigners was a breach of the laws of hospitality, which was revolting to his mind—which was revolting to the public mind—and which he was satisfied was revolting to their Lordships' minds. Why did they open the letters of those foreigners? What had we to do with the internal affairs of other countries. If foreigners who resided here did not violate the laws of this country, they ought to be allowed to enjoy the benefit of these laws. He remembered a time when there were stringent provisions in force in this country with respect to foreigners. He remembered the provisions of the Alien Act, and he remembered them with shame. He recollected an atrocious case under the Alien Act, in which a foreign gentleman was sent out of this country, although he had committed no political offence; but he was sent out of it in consequence of a private transaction which had no connection whatever with political affairs. He was desirous that foreigners should not be exposed to this detention and opening of their letters. He (the Earl of Radnor) did not know how many other letters of foreigners had been opened in the Post Office; but he knew that the letters of two individuals had been detained, namely, the letters of Mr. Mazzini and Mr. Stolzman. Mr. Mazzini was a Gentleman of high literary attainments, of considerable connections in his own country, and of very liberal opinions—indeed he was an enthusiast in the cause of liberalism. He had been seven years in this country, and he assured him (the Earl of Radnor) that during his stay here he had totally and carefully kept himself apart from any connection with faction or party of any kind, as regarded this country. What right then had they, under these circumstances, to open the letters of Mr. Mazzini? Why was he subjected to this espionage? What provocation had he given, or what reason could be assigned for such proceedings? Would the Secretary say that Mr. Mazzini had afforded any reason to make us believe that he was doing or attempting anything dangerous or hostile to this country. He believed that the fact would be found to be totally the contrary. Mr. Stolzman also said, that he never afforded the slightest cause for such treatment—he said that he never did anything which had a tendency dangerous or hostile to this country, and yet his letters had been detained in the Post Office. The authorities at the Post Office had opened the letters of an individual whose habits and pursuits forbade the inference that he was engaged in any proceedings of a nature to warrant this detaining of his correspondence. It was true he was engaged in the publication of works, the object of which was to propagate liberal opinions. But was that a crime in England? He (the Earl of Radnor) thought it was the boast of Englishmen that this country was a place of refuge for persons who were obliged to leave their own country in consequence of their professing liberal opinions. He was himself the descendant of a family who fled to England in consequence of their liberal opinions; and he could not acquiesce in this conduct towards foreigners in this country merely because they professed liberal opinions. What right existed for opening the letters of Mr. Stolzman? He was the Friend of Mr. Mazzini, but his letters were not detained until about the time of the arrival of the Emperor of Russia in this country. They had a right to know why this insult was offered to Mr. Stolzman. In a letter which appeared in one of the papers at the time of the arrival of the Emperor, there was a recommendation that no Pole should murder the Emperor of Russia—was there any reason to suppose that Mr. Stolzman was going to assassinate the Emperor? Another gentleman was taken up in consequence of a charge against him that he had said something about shooting the Emperor of Russia, but it turned out that the charge had arisen from the circumstance of this gentleman having seen a pair of pantaloons in a tailor's shop, of a peculiar construction, and upon being told that they were for the Emperor of Russia, he said he hoped they would "suit" him. It was evident, with regard to the case of Mr. Mazzini, that his pursuits were not those which were calculated to lay him open to the suspicion of conduct which would justify this detention of his letters. He was a gentleman of literary habits, and his great wish was the propagation of useful information. It appeared, that being a person of great literary attainments, he was very desirous of propagating knowledge. It appeared also, that he had been mainly instrumental in establishing in London a school for those unfortunate Italian and Sardinian boys who were to be seen going about our streets with monkeys and organs; so that instead of their being left to lounge about the streets, or resort to ale-houses, or go to those miserable places called their homes, where they could hardly be said to be kept alive, they might have places to go to where they would be instructed in reading, writing, geography, and other matters. It seemed, however, that Mr. Mazzini was thought dangerous on this account, and that a priest attached to the Sardinian Embassy had raised an opposition to his plan, because religious instruction was not included. He recollected the same objection was made by a right rev. Prelate not now in his place against the evening classes at Exeter Hall; he said the people should not have evening classes, because there was no religious instruction communicated in those classes; so in this instance the objection was, that no religious instruction was given, although there was moral instruction; but, if there was no religious instruction, surely it was better that these boys should have been taught reading and writing, rather than be suffered to lounge about the streets, or herd in those miserable hovels provided for them by those who made money by their perambulations through London. Surely the establishment of this school was of itself an indication that the disposition and habits of this foreigner were not such as should have exposed him to such espionage as had been practised on this occasion. He said, therefore, that a Committee should be granted in order to ascertain what was really the law, and what had been the practice on this subject. Consideration for the character of the country alone, as the friend of freedom and hospitality, should induce them to inquire into a practice which was so abhorrent to the national feelings, and so disreputable to those who resorted to it. Without believing it to be true that there was such a thing as the Secret Office where, as he had stated, the bags from particular places and streets were subject to examination—willing to believe it untrue, still he thought the very fact that this power was known to exist and be exercised, should induce their Lordships to examine into the subject. The moral effects of the practice were of the worst sort. He was not inclined to be a very great friend of the present Government, with the exception of the noble Duke opposite, for whom he had always entertained the highest and most sincere respect for those qualities which characterised him, but principally for that straight-forwardness of character and conduct which he had shown on all occasions, and which no word in the English language would describe so well as the French word *loyauté*; but he would remind them of the mischievous moral effect which it would produce, if the Government of the country were exposed—to be despised—exposed to the contempt of the public—as they must necessarily be if such practices were continued. There would be other moral evils of great extent produced by a continuance of such practices. They heard sometimes of the conscience of the State, a phrase which he (the Earl of Radnor) thought was mere nonsense, as far as it related to particular sects or religious opinions; but it was quite different, so far as the Government were concerned, and they ought to take care and not to violate morality. The Government ought to take care and not set an example to the country of fraud and treachery and forgery such as had been exhibited in these cases, and which merited so much disapprobation. He (the Earl of Radnor) received the other day a begging letter, which he answered. It contained enclosed the letter of another person, which he returned; and two days after he received another letter, with the counterfeit of his own seal, with a forgery of his own seal. Did not the Post Office in this country do the same? and was not that forgery? He should be very glad to hear that the authorities at the Post Office had not done so. He should be glad if it could be denied that the Government had set in this matter an example of falsehood, and forgery, and treachery—it was felt to be treachery. What did France say on the subject? It gave him the most sincere pleasure to perceive that M. Guizot denied that he had ever authorised such a practice in France; but no one could utter such a denial here. No noble Lord in that House could make the same statement which M. Guizot had made, and he was ashamed that it could not be done. He trusted, therefore, that their Lordships would grant a Committee to enquire into this practice, and the extent of its operation. Foreign countries had denied the authorization of the practice, but Englishmen had not been able to do so. He had spoken warmly with respect to the disgraceful occurrences which had taken place, but he felt warmly on the subject, and he hoped their Lordships would not refuse to take this first step in putting a stop to a practice which was so disgraceful. The noble Earl concluded by moving—

"That a Secret Committee be appointed to inquire into the Practice of detaining and opening Letters, under the Provisions of the 1st Victoria, c. 36, and more particularly into the Circumstances under which the Letters of Mr. Mazzini, a Literary Foreigner, and of Captain Charles Stolzman, a Pole, residing in England, have been opened."

The Duke of *Wellington* said: My Lords, I fully admit that this question has at last been brought to a condition in which it is perfectly necessary that it should be inquired into. I think, my Lords, that the practice and the law and everything relating to the case ought now to be inquired into, particularly when I find a man in the station of the noble Earl opposite attributing to the Government, and is the mouthpiece of those who discharge upon the Government, charges of treachery and fraud and forgery. It is full time, my Lords, when such charges are made, that the subject should be inquired into. But, my Lords, in making this inquiry, it is necessary to inquire into the practice and the law, and not to go into a roving inquiry of the description which the noble Lord indicated in his speech—not an inquiry into whether letters addressed to this man or that man have been opened, or whether "treachery and fraud and forgery" have been committed with respect to those letters, and whether or not all the circumstances adverted to in the noble Lord's speech can be proved. No, my Lords, the real subject to inquire into is the law, and the practice under the operation of the law, and to report it to the House, in order that your Lordships may see whether or not it is expedient that the law should be continued, and, if it should be continued, under what modifications or restrictions. A great portion of the speech of the noble Lord was directed entirely to a total and immediate repeal of the law. [The Earl of *Radnor:* "It is not law."] My Lords, the noble Earl may be justified in entertaining that opinion with respect to the expediency of putting an end to the law, but he will not, I believe, find many to agree with him in that opinion, and I, for my part, do not agree with him. If, however, I thought that this power was exercised now, or had been ever exercised in the manner described by the noble Lord in his speech, that is to say, applied for the purpose of private interests, or for any other purpose whatever, except the public benefit—I say it is a law which ought to be repealed, and the power put an end to forthwith. This power, my Lords, stands on the broad grounds of public interest, and it stands upon nothing else; and if I cannot show that it stands on that ground, or if it should be proved that it was ever exercised on any other ground than public interest, I say that the person who exercised the law on such grounds is deserving of the censure of the public and of your Lordships. The noble Earl, in one part of his speech, said that the Secretary of State ought to take upon himself the responsibility of exercising this power; that there ought to be nothing like a recognition of it by the law; but that the Secretary of State should take upon himself the exercise of the power on his own responsibility in cases where he found the public interest required it. That is, my Lords, exactly what the law does, as I will show you presently; and, if your Lordships are convinced, and the Parliament is convinced, that it is expedient, that under certain circumstances, this power should be carried into execution, then it will be your duty to frame the law in such a manner that it can be carried into execution without a breach of the law, at the same time that you have the power of checking the Act, and not to leave it to the Secretary of State to break the law on every occasion on which he finds it necessary to exercise that power for the public benefit. It is not the duty of the Secretary of State to break the law when he feels it necessary to exercise that power for the public interests—it is not the duty of the Secretary of State to break the law on every occasion when he thinks the exercise of that power is necessary. With respect to the Motion for a Committee of Inquiry, which has been brought forward by the noble Lord, I should certainly object to the appointment of a Committee of this House for the purpose of inquiring into the circumstances attending the opening of the letters of every individual who comes to this House with a petition to your Lordships, stating that his letters had been opened, as has been stated in this case. If letters have been opened in this case, as it has been stated, then those individuals can apply to the law—they can go to a justice of the peace, and complain to him that their letters had been opened, and the persons so opening them would be guilty of a misdemeanour, unless he could produce an authority for opening such letters from the Secretary of State. Then, my Lords, we come to the warrant of the Secretary of State. The noble Lord opposite went into a long discussion, through which I will not follow him, with respect to the power of the Secretary of State, and as to whether he had power, as a justice of the peace, or in any other capacity, to issue general warrants. The Secretary of State, my Lords, is the officer of the Sovereign—the officer of Her Majesty's Government, and the Post Office is one of the Departments under Her Majesty's Government, and the Secretary of State has a right to send his order to that Office, and unless the Parliament bound him especially to refuse, the Postmaster must obey the order of the Secretary of State, Her Majesty's Officer. What happens then? The Parliament provides that the letters in the Post Office must be delivered safely, and not detained, except in certain cases which are declared in the Act, and one of which was on the authority of the warrant of the Secretary of State. The Parliament then recognised the power of the Secretary of State to issue his warrant for the opening of the letters—nay, it goes further, for Parliament requires the Postmaster General to declare that he will deliver all letters as posted, unless he is required to detain or open them by the warrant of the Secretary of State.

Lord *Campbell* (handing the Act to the noble Duke): There is the section, and here is the oath.

The Duke of *Wellington*: The Parliament requires the Postmaster to declare that he will deliver the letters, except when a warrant is issued by the Secretary of State to authorise him in detaining them. There is no doubt, my Lords, as to the law. True, there is no express authority in the law to enable the Secretary of State to issue his warrant.

The Earl of *Radnor*: "Hear, hear." That was my point.

The Duke of *Wellington*: There is no express authority in the law, but he has the right to convey Her Majesty's authority to every officer of Her Majesty's Government of all descriptions. He conveys the order, and the Parliament recognises his power to do so, in making it an exception to the law where such a warrant is issued, and requires the Postmaster General to have respect to that exception in carrying the law into execution. The question in such a case must always turn on the exercise of the power, and I say, on the part of my right hon. Friend, that he did his duty as Secretary of State, and I consider myself responsible, as every other Member of Her Majesty's Government is, for his (Sir J. Graham's) act, and I say, he performed no act which he was not authorized to do, and which was not founded on the broad principle on which the power rests, namely, a sense of what was necessary for the public interests. The noble Lord talked of exemptions in the case of foreigners, and a breach of the rights of hospitality towards foreigners residing in this country; but if foreigners act in a manner inconsistent (I charge nobody with misconduct, I put the case hypothetically)—but if foreigners act in a manner inconsistent with the interests of this country, in which they are residing, are they not guilty of a breach of the laws of hospitality? And is it fit that the Secretary of State should allow such acts to be committed with his knowledge? Is he, having information that such acts are in the course of being committed to allow such acts to be committed without taking measures to obtain a more perfect knowledge of them. My Lords, it is the proud distinction of the policy of this country that its objects and its interests are those of peace—not only peace amongst ourselves, but peace throughout the world; and to promote the independence, and security, and prosperity of every country in the world. Your Lordships saw the pains which were taken last year, and have been taken every year, and are now going on, to preserve peace throughout the world. Look at the acts of mediation carrying on lately, and even now, sometimes alone, and sometimes with the aid of other nations, to preserve peace throughout the world; and why? Because it is the undeniable interest of this country to maintain peace everywhere. Suppose, then, my Lords, that foreigners here are exerting themselves to produce results in a foreign country, and exciting others to rebel in a foreign country, and providing aids for that purpose, and fitting out expeditions in parts of Her Majesty's dominions, such as Corfu, or Malta, or elsewhere, to disturb the peace of Italy, is that, or is it not, I ask, a breach of the laws of hospitality? I say, it is an act inconsistent with the interests of this country, and that it is the duty of the Government of this country to prevent it. It is an act which it is the duty of the Secretary of State, if he has a knowledge that such acts are going on, to interfere, to obtain the best information. My Lords, we have seen some remarkable events in recent times. Why, it is but a few years ago since there was an invasion of a neighbouring country from this country fitted out in the midst of the Session of Parliament, under the eyes of Her Majesty's Government, which was all but successful. Was that an act consistent with the honour and interest of this country! Would it not have been the duty of the Government, if they had information of it, to have prevented that act of invasion? I want to know if that was not the case? Have we not felt ourselves harassed by wars of sympathy carried on on our frontiers? Have we not felt the inconvenience of such a state of things, and the injury done by such wars? And is it possible, can it be pretended, because foreigners are here enjoying the hospitality of this country, they are to be exempted by the laws of hospitality from observing the laws and interests of this country, and that the Government are to to sit by, and do and say nothing, but let them go on until they strike the blow! Your Lordships must know what has happened in many parts of the world. Why, within a very few days, accounts have been received of an expedition which sailed from part of Her Majesty's dominions, to make an invasion of the territory of an ally of Her Majesty, and this connected with individuals, such as I have just described, resident in this country. I say, my Lords, these are circumstances which cannot be kept out of sight in a discussion of this kind, and I mention them now becaue I have a right to mention them in answer to the observations of the noble Earl. You will have to consider this by-and-by, when you come to deliberate whether or not it is expedient to continue this Act of Parliament now in force with respect to the detention of letters in the state in which it is, or under what circumstances such a power ought to be exercised, for even according to the noble Earl, such a power must exist. What I say, is, that in case you determine upon an inquiry, it should not be an inquiry directed to particular cases. The case stated to-night affords no ground for such an inquiry—the complaint should not be made here; this House has no jurisdiction in the matter: the complaint ought to be made to a magistrate; but if you should think it advisable that there should be an inquiry, I would submit that it should be such as has been granted to the other House of Parliament, namely, " to inquire into the state of the law in respect to the detaining and opening of letters at the General Post Office, and into the mode under which the authority given for such detaining and opening has been exercised, and to report their opinions and observations thereupon to the House." I should suggest that the Committee should be formed indifferently of both sides of the House, excluding from it all persons in office, or connected with office in any manner; that the Committee should be so framed as to be entirely impartial—consisting of a majority of noble Lords sitting on the other side of the House, that it may give general satisfaction to the public, and that this power may be placed on such a footing that no abuse may come of it. I say and declare that I firmly believe my right hon. Friend has exercised this power solely and entirely on the ground of the public interest, in just the same way that, as far as I have known and read, it has been exercised by his predecessors in office; but I am quite ready to have this inquiry, since it is thought desirable. My Lords, I move that

" A Secret Committee be appointed to inquire into the State of the Law in respect to the detaining and opening of Letters at the General Post Office, and into the Mode under which the Authority given for such detaining and opening has been exercised, and to report their Opinion and Observations thereupon to the House."

These are precisely the words made use of by the House of Commons in appointing a similar Committee, and I hope they will be satisfactory to the House. The noblemen whom I shall move to be elected on this Committee are, the Duke of Bedford, the Earl of Burlington, Lord Cottenham, Lord Brougham, the Earl of Powis, Earl Somers, and the Bishop of London.

The Marquess of *Normanby* was anxious that the noble Duke's Motion should be substituted for that of his noble Friend, because that Motion included in the inquiry, the acts of himself and Lord Normanby when in office, to which the Motion of his noble Friend did not extend. As far as he was concerned, he desired to have the whole matter thoroughly sifted, conscious that it would be found he had exercised this invidious, this unpleasant, but still, in some cases, necessary power, only in accordance with the strict dictates of duty. As the Committee was granted, it would be unnecessary to protract the discussion on this subject on the present occasion, and he would, therefore, only trouble their Lordships with a very few words. He had seen with much surprise that what had fallen from him on a former occasion had been made use of in another place, as though he had expressed an opinion that no information should be given on the subject, whereas he had said nothing whatever to justify such an inference. He must also protest against a doctrine which the noble Duke had laid down, as he understood the noble Duke, with reference to the circumstance under which he considered foreign letters might be opened at the Post Office. Did the noble Duke really mean to say, that if any foreign power took umbrage at exiles in this country having correspondence with their friends abroad, our Post Office ought to be placed at the disposal of such foreign government, that the correspondence of these parties ought to be detained at our Post Office, read, and frequently submitted to the ministers of the particular power? If such a doctrine as this were admitted, it would be impossible to limit the extent of the mischief which would ensue, the injury that might be inflicted on innocent parties within the grasp of the offended power, who, in their communications with their friends in England might have given utterance to sentiments which in their cooler moments they would themselves recall, but which would be vindictively resented by the power to whose proceedings they applied. Such a power as this should never be exercised but for the preservation of our internal safety, or the vindication of our own laws. He perceived that the noble Duke's Motion applied to Ireland also. He was especially anxious that the Irish Post Office should be inquired into, because there had been circulated within the last few hours some most absurd statements respecting the exercise of this power by him (Lord Normanby) when in office in Ireland. He would distinctly and emphatically say, in answer to these misrepresentations, that while he was in Ireland, as when in office in England, in no one instance had this power been exercised by him for any political purpose whatever. In the very few instances in which it was made use of, it was applied to those cases of low Ribbonism, which could not be ferreted out by other means.

The Duke of *Wellington* begged to say, that he had never expressed anything like an opinion that this power should be placed at the disposal of, or that any correspondence should be handed over to, any foreign power. He had said, that it was important that the Government should have the power of watching all foreigners resident in this country, with reference to disturbing the peace of foreign countries; but he had never said anything of handing over their letters to any foreign power.

The Marquess of *Normanby* wished to know whether the letters of Mr. Mazzini had been submitted to the representatives of any foreign power?

The Duke of *Wellington* I have no knowledge of it.

The Earl of *Aberdeen*; I can more readily answer that question, and I can assure the noble Lord that not one syllable of the correspondence has been communicated to any person whatever.

The Duke of *Wellington* said, that finding a noble Duke whom he had proposed to place on the Committee, was out of the House, and that another noble Lord was indisposed to serve, he begged, to substitute two other noble Lords in their place. The noble Duke named the Committee as follows;—Earl Somers, Earl of Burlington, Earl of Roseberry, the Bishop of London, Lord Colchester, Lord Brougham, Lord Cottenham.

Lord *Campbell* expressed his great satisfaction at the composition of the Committee, and more especially that two such eminent lawyers as his noble and learned Friends had been nominated upon it. He was convinced that the result of their inquiries would be to discover that no such power as that claimed by the Secretary of State existed; that the provisions of the Act only went to indemnify the Postmaster General and his subordinates, leaving the power of the Secretary of State what it was by the Common Law and nothing more. He was quite clear that the Committee would find that a necessity existed for a Bill of Indemnity in favour of the Secretary of State, who had issued these warrants.

In answer to the Marquess of Lansdowne,

The Duke of *Wellington* said, that the Post Office of Ireland would be included in the inquiry.

Original Motion withdrawn.

Secret Committee appointed as proposed by the Duke of Wellington.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 4, 1844.

Minutes.] Bills. *Public.*—1°. Municipal Corporations; Assessed Taxes Compositions; Three-and-a-Half per Cents. Exemption; Joint Stock Banks Regulation; Law Courts (Ireland).

2°. Militia Ballots Suspension; Vagrants Removal; Stock in Trade; Turnpike Acts Continuance; Actions for Gaming Discontinuance (No. 2); Colonial Postage.

Reported.—Aliens; Customs Duties (Isle of Man).

3°. and passed:—Bank of England Charter; Prisons (Scotland).

Private.—1°. Willenhall Chapel Estate.

Reported.—Great Southern and Western Railway (Ireland).

Petitions Presented. By Mr. P. Stewart (7), from Scotland, against Dissenters Chapels Bill.—By Sir R. Inglis, from St. Bride's Parish, for better Observance of the Sabbath.—By Mr. Boyd, from Tartaraghan, for Legalizing Dissenters Marriages.—By Mr. Hoskins, Sir J. Trollope, and Lord Worsley, from Hereford, Long Sutton, and Brigg, against Bank Charter.—By Mr. P. Stewart, from Renfrew, against Banking (Scotland), and respecting Perth Penitentiaries.—By Lord Eliot, from Cornwall (2), and Sir R. Price, from Presteign, in favour of County Courts Bill.—By Sir C. Napier, from Pwllehi, for Inquiry respecting Harbours.—By several hon. Members (8), for Alteration of Poor Law.—By Mr. Boyd, from Coleraine, and Sir E. Hayes, from Stranorlar, for Alterations of Irish Poor Law.—By Mr. P. Stewart, from Renfrew, against Prisons (Scotlamd) Bill.—By several hon. Members (4), against Railways Bill.

Banking in Scotland.] Mr. *P. M. Stewart* had a question of great importance to the people of Scotland to put to the right hon. Baronet at the head of the Government; it was in consequence of an intimation given by the right hon. Baronet, on the Bank Charter Bill, that Parliament having sanctioned that measure, the right hon. Baronet would feel himself at liberty to take into consideration the currency and system of Banking as it prevailed in Scotland and Ireland. That intimation had caused considerable excitement in Scotland. He had himself presented a Petition from a large meeting held in Renfrewshire, deprecating any change. The right hon. Baronet then, in reserving to himself the right of taking into consideration the Banking and Currency in Scotland and Ireland, it was to be hoped would not proceed so far as to form a resolution, nor take a decided step, without having a previous conference with those parties who were immediately concerned. He knew that the statement of the right hon. Baronet, that he would take no immediate step—that he would not do anything without previous consultation with those the most conversant with these matters, would do much to quiet the minds of the people of Scotland.

Sir *R. Peel* replied, that the hon. Gentleman had correctly apprehended what he had stated on a former occasion. He had stated that he had no wish to legislate on the Scotch or Irish Banks, because it had been impossible for him to communicate with those conversant with these matters. He had an advantage with respect to the Bank of England which he had not with the Banks of Scotland and Ireland; but then it was to be observed that they had already touched the currency both in Scotland and Ireland, or they had prevented the establishment of new banks of issue. He apprehended that those whom the hon. Gentleman represented were not so very sensitive on that point. It was not the point on which alarm existed, namely, that there should be no new Banks to compete with those already established. But the hon. Gentleman might be assured, that in forming an opinion, he should not so commit himself in any way as to prevent his communication with the parties most conversant with these matters. He well knew how sensitive the Scotch were on this particular point; how well contented they were with their paper circulation. In making a provision to cover that circulation with gold, they might be assured he would take no step without having good and sound advice.

Bank Charter—The Currency.] The Order of the Day for the third reading of the Bank Charter Bill read, and Bill read a third time.

Mr. *Wodehouse* rose to move the insertion of a Clause of which he had given notice, to the effect

> "That any sum, not exceeding the sum of 25*l.* at any one time, shall be reputed in law or allowed to be a legal tender, within Great Britain or Ireland, according to its value by weight, after the rate of 5*s.* 2*d.* for each ounce of Silver."

The hon. Member having read several extracts in support of his views from the evidence of Lord Ashburton and others taken before the Bullion Committee, proceeded to say, that that measure was dangerous in the extreme. He was upheld in his views upon this subject by no less an authority than Mr. Herries. That Gentleman told him that in dealing with this question of Banking great caution would be necessary, or it would be utterly impossible to calculate the evils that might result. He was at a loss to find upon what grounds the hon. Member for Halifax (Mr. C. Wood) and the right hon. Member for Portsmouth (Mr. Baring) had given such a strong and energetic patronage to this measure. They had both addressed the House in laudatory terms of the right hon. Baronet's (Sir Robert Peel's) Bill, but neither of them had informed the House of the precise reasons which justified their approval of it. It was well to talk, as those hon. Members and Mr. Jones Loyd did, of approaches to perfection in their monetary system, but in his (Mr. Wodehouse's) opinion, it would be much more satisfactory to the country to prove that such approaches had been made.

Clause brought up and read a first time: on the question that it be read a second time.

Sir *R. Peel* said, that a great portion of the speech of the hon. Member ought to have been addressed against the third reading of the Bill. If Mr. Herries had authorised the hon. Gentleman to state opinions against this Bill, it was upon the question of the third reading that he ought to have delivered them. He would, however, turn to the discussion of the particular Clause which the hon. Gentleman proposed, which he must admit would be a very proper clause, if silver were a legal tender up to 25*l.* But the fact was that the silver coinage was not a legal tender for any greater sum than 40*s.* If the hon. Gentleman wished to alter the standard currency of the country, the proper way to set about that would be to propose to repeal the Act of 1819. That Act established that gold should be the standard currency of the country. The silver currency was to be merely subsidiary and used as tokens, not being of the actual value it pretended to represent; the pound of silver being coined into 66*s.* instead of 62*s.*, which proportion was its actual value. But if they made the silver coinage a legal tender up to sums of 25*l.* it was obvious that bankers instead of paying their 5*l.* and 10*l.* notes in gold would pay in silver, upon which there would be a certain loss to the holder. The hon. Gentleman who had quoted the authority of Lord Ashburton in favour of a silver standard was mistaken in the views which the noble Lord had expressed on that subject. What that noble Lord proposed was, that there should be a recoinage of silver five shilling pieces, according to the original standard, that was according to the real value of the silver. The opinion of the authorities of the Bank was asked upon this proposition, and they declared themselves distinctly against the introduction of a double standard, which they said would be attended by many inconveniences. But his hon. Friend proposed to make the present depreciated silver currency a legal tender up to a certain amount, and this he (Sir R. Peel) could not consent to.

Mr. *Muntz* believed, that if the Clause were adopted, it would not attain the object the hon. Gentleman had in view. He would take that opportunity of correcting a misapprehension which had occurred with respect to what he had said on a former occasion. He was represented to have said that he advocated a depreciation in the currency, a thing which he had never done.

Sir *R. Peel* referred his hon. Friend to Mr. M'Culloch's work as to the supply of gold from the Russian mines. Mr. Murchison, a gentleman connected with the Geological Society, had also published a work as to the probable supply of gold from the newly-discovered mines in Siberia. His hon. Friend, however, did not seem to understand the object or effect of the measure. His hon. Friend thought it was intended by it to found a paper circulation upon a gold currency; but that had been done since the measure of 1819. Every man who had a 5*l.* note had a perfect right, under that Bill, to demand of the Bank gold in exchange for it; so that when the five sovereigns were of more value than the note, Mr. Rothschild, or any other man who had it, could, as the law already stood, receive gold in exchange for it. In this respect, therefore, the Bill made no change.

Mr. *Wodehouse* said, he had determined upon bringing forward his Motion in consequence of a conversation which he had had only two days ago with Lord Ashburton, from which he understood that that noble Lord still adhered to the opinions he had declared in 1828. He would, however, withdraw the Motion, as the sense of the House appeared to be against it.

Clause withdrawn.

Mr. *Turner* moved the following Amendment at the end of Clause 9:—

> "And with a view to prevent loss to the working classes, that from and after the passing of this Act, the Governor and Company of the Bank of England, at their Bank or Branch Banks of Issue, shall take, as of the value of twenty shillings all sovereigns, and as of the value of ten shillings all half sovereigns, tendered to them, which equally balance in the scales, notwithstanding the same may not turn the balance; and that any loss arising to the said Governor and Company of the Bank of England from the taking of such sovereigns or half sovereigns, shall be deducted from the profit arising to the public from any increase of the issues of the Governor and Company of the Bank of England, before such profit be paid over to the public."

The loss to the public from light gold was now very considerable. He found, by a return, that the average loss was 2¾*d.* on each sovereign, and the total amount of loss, taking it at this rate, borne principally by the working classes, from June, 1840, to April, 1843, had been 126,043*l.* In many cases, however, the loss to the working man was as much as six pence on each sovereign. He believed that many of these light sovereigns, after being paid into the hands of bankers, who charged the parties for the deficiency, were re-issued at the full nominal value, and again brought under circulation; and that the actual loss to the public was consequently much greater than he had stated it, and amounted to not less than 244,444*l.* What he contended for was, that some remedy should be devised for this abuse, and that the public should be protected from this excessive loss.

Sir *R. Peel* said, that this Bill had nothing whatever to do with the currency, but left it as it found it; so that whether it were desirable or not to make any new regulations as to light sovereigns was a matter in no way connected with this Bill.

Mr. *C. Wood* apprehended that at the present moment very little inconvenience was experienced from light gold. Whatever extent the evil might have gone to some time back, it was a satisfaction to know that it existed but to a very slight degree at the present moment. He knew of no mode, however, of taking light gold out of circulation, unless by sending it to the Bank. Before the passing of the Bank Restriction Act, it had been the custom for bankers generally to clip all light gold with a pair of shears kept for the purpose, so that it should no longer circulate, and that was still the practice at the Bank of England; but he could not at that moment see how they could compel its general adoption. He quite agreed that some means should be devised for preventing light sovereigns again circulating after coming into the hands of a banker or other authorised person.

Amendment withdrawn.

Other Amendments having been proposed and withdrawn, and some verbal amendments made,

On the question that the Bill do now pass,

Mr. *Hume* said, as the right hon Baronet was not disposed to entertain his Clause for abolishing the legal tender Clause, he did not propose to take up the time of the House in moving it. He could not, however, avoid expressing his regret that the right hon. Baronet had not, by adopting his suggestion, made his Bill more complete. With two standards of paper currency, one convertible immediately, and the other in a few days, he feared the right hon. Baronet would endanger the success of his whole plan. If they omitted the legal tender Clause, they might allow the country banks to issue as much as they pleased, and there would have been no danger.

Sir *R. Peel* did not imagine that the abolition of the legal tender Clause would enable them, with any degree of safety, to permit unrestricted issues. In the United States, where the competition had been unlimited, the evils of unrestricted circulation had not been avoided, although the principle of that circulation was convertibility on demand. He thought it desirable to disturb as little as possible existing principles, and that they should adhere to the legal tender as laid down by Lord Althorp.

Bill passed.

Poor Law.] On the question that the Order of the Day be read for a Committee on the Poor Law Amendment Bill,

Mr. *A. B. Cochrane* then rose to bring forward the Motion of which he had given notice:—

> "That the new Poor Law, though improved by the proposed amendments, is still opposed to the ancient Constitution of this realm, and inadequate to the necessities of the people."

He was opposed to the principle of this Bill, and felt that even with its Amendments, it was prejudicial to the country, and, therefore, he now called upon the House to express a hostile opinion regarding it. He might be prejudiced, but it seemed to him, that of all measures this was one of the most important;—indeed the very fact that a Bill for the amelioration of the existing law was introduced, was proof that the measure in existence was pernicious. What, too, was the state of the country. We had an enormous capital, and an unemployed population. Every year the extremes of want and wealth were becoming wider and wider. Every year unhappily, there was a greater and greater development of poverty in contrast with the manufacturing capital of the country; and, therefore, any law which related to the poor was of the utmost consequence. It was to the lower classes, they must remember, that they were forced to look in the hour of external danger, and of civil commotion. Let them consider, then, whether, at such a time, and among such a people, it was prudent to uphold a law opposed to that ancient Constitution of the realm? His argument was, that this Bill did stand peculiarly opposed to the ancient Constitution. The right hon. Baronet opposite had last year said, that the present Poor Law was strictly in conformity with the ancient Constitutions of the country and with the principles upon which the Poor Law was passed in the reign of Queen Elizabeth. When Lord Althorp originally introduced the Bill which was now the law of the land, he said that the evils which arose from the old law, did not follow from the principle of that law, but dated from the commencement of the present century, and that, under the new law, so far from outdoor relief being prevented, it was his belief that it would be carried to a greater extent than before. Now, he looked to the principle on which the Poor Law was based according to the Reports of the Commissioners. What did they say in 1834:—

> "Except as to medical attendance, and subject to the exception respecting apprenticeships hereinafter stated, no relief whatever to able-bodied paupers, or to their families, otherwise than in well-regulated workhouses, shall be declared unlawful and shall cease." (Again)—'No one to receive relief while earning any thing for himself.' (Again)—'To permit outdoor relief as an exception, would be to permit it as a rule.'"

Those were the principles, then, on which the Poor Law was introduced—principles opposed to those which Lord Althorp had laid down—opposed to those which the right hon. Gentleman had stated in that House—opposed to the Act of Elizabeth—opposed to every principle which any Government had ever previously dared to uphold? How were they carried out? In 1837, the Commissioners wrote thus:—

"Where the workhouse has been actually offered to, and refused by an applicant, if you are of opinion that the case of the applicant was one of real necessity, you should endeavour to ascertain the result of the refusal of relief by such applicant. The Commissioners believe that in such cases you will generally find that the refusal of relief in the workhouse by the applicant, has arisen from the possession of some means and resources which are withheld from the knowledge of the guardians. Occasional illustrations of this operation of the workhouse will increase the confidence of the guardians in this mode of relief. With regard to those classes of cases in which out-door relief is given, you should watch vigilantly the appearance and growth of any abuse in this mode of administration."

The right hon. Baronet had declared that this Bill was founded on the principles of the Act of Elizabeth, and it was said that out-door relief under its operation would be carried to a greater extent than ever. Why make such bold assertions, if they were never intended to be acted on? If it was meant that the feelings and prejudices of the people were so much against the Government that their principles could not be carried out, why he trusted that the same feelings and prejudices would force that Government now to repeal a law which he believed was totally repugnant to the good sense and humane feelings of the country. It was his belief that the law was totally opposed to the principle of the 43rd of Elizabeth, and he would tell them why. It was opposed to it not merely because it introduced a pernicious system of centralization, and destroyed all local administration, but because that law introduced a labour test of poverty, and this law created a test out of nothing less than suffering. There was a noble Lord in the other House, an active promoter of this Bill, who, on its introduction, had told the House of Lords that, if the old law were continued he should be reduced to the level of a Westmoreland pauper—that those who passed the 43rd of Elizabeth were no adepts in political science—that they did not understand the principles of population, and wanted a Malthus to enlighten them with his doctrine. No other than that noble Lord could, he believed, have employed such language respecting the poor as that which he had made use of. Let him cite a passage from that noble Lord's speech:—

"Sickness was a thing which prudent men should look forward to and provide against in prosperity; and old age was before all men, and they should lay up stores for that time."

The Law, then, according to Lord Brougham, was based upon the principle that young men must foresee events that were to occur in old age; that they were, in fact, to lay by from their wages to purchase their coffins. Was anything more fearful ever uttered? Let him contrast such expressions with what had been said by statesmen of past times. Even in these enlightened days, perhaps, Ministers of State would not entirely discard the opinions of Pitt and Canning. What did Mr. Pitt say, in 1796, in the course of the discussion on the Wages of Labourers' Bill?—

"I am convinced that the evils which the Poor Law occasioned did not arise from their original constitution; and I coincide with the opinion of Blackstone, that in proportion as the wise regulations which were adopted in the long and glorious reign of Elizabeth have been departed from and superseded by subsequent enactments, the utility of the institution has been impaired, and the benevolence of the plan rendered fruitless."

These were the opinions of Mr. Pitt in the year 1796, a period when the country was placed under very different circumstances. Mr. Canning was once asked by Mr. Tierney why he did not touch the Poor Law? To which question Mr. Canning replied:—

"Why do not Governments decide offhand a question growing out of the usages of centuries—interwoven with the habits, and deeply rooted in the prejudices of the people? Of all subjects of legislation on which Governments ought not harshly or prematurely to interfere, without ascertaining, and, if possible, carrying with them the prevailing sentiments of the country, this of the Poor Law appears to me the one on which it would be most undesirable to take a pricipitate course."

He considered that he had proved his case as far as he had gone; and the right hon. Baronet would perhaps admit that he had done so, and that he was in so far entitled to maintain the difference in opinion which he had expressed, that the present Poor Law was not based on that of the 43rd of Elizabeth. He had endeavoured last year to prove that the Poor Law now in operation was not framed in conformity with the opinions of Mr. Pitt and Mr. Canning. He had endeavoured, and he believed successfully endeavoured, to prove the difference which existed between the Poor Law of the present day and the opinions which had been expressed in 1796 by the first statesman of the day as to the basis upon which such a measure ought to rest. He was now prepared to go further, and to declare it to be his opinion that every Poor Law ought to have in view two main objects—the first of which was, that relief ought not to be doled out to the suffering poor so as to make them feel all the bitterness of poverty and destitution—that the labouring classes, who were reduced to seek temporary relief under such an enactment ought not to be made to feel that poverty was a crime. The second object which a Poor Law ought to endeavour to accomplish was to administer succour and assistance to the suffering poor in such a manner as to call forth all the grateful sympathies and kindly feelings of the people; and there was not, he believed, a nation upon earth amongst whom such feelings and sympathies were more prevalent or stronger than amongst the English people when not unnaturally repressed and crushed. What was the principle upon which relief was administered to the poor prior to the Reformation? It was that same principle which was prevalent in all Catholic countries, and which might be advantageously observed at work at the present day throughout the whole extent of France. It was the voluntary principle of each arrondissement contributing in proportion to the means of each individual and the necessities of the poor to furnish sufficient funds; and when those funds were not enough, then recourse was had to some measures to stimulate the public benevolence. After the Reformation was effected the statutes of Henry VIII. and Edward VI. were passed, which were subsequently merged in the Act of the 43rd of Elizabeth, and this continued to be the sole law under which relief to the poor was administered until the 9th of George I., when the system of workhouses was first introduced; and from that time until the year 1834 the poor-rates gradually increased until they reached the annual sum of 8,000,000*l*. To relieve the country from this enormous charge the present Poor Law was enacted and brought into operation. Workhouses were built upon a scale and a system of internal management almost similar to that which was enforced in places where criminals were confined; and the nourishment and treatment of paupers were not equal in point of quantity or quality of food, and as regarded humanity, to that experienced by convicts in gaol. It was in evidence that a jury had found a verdict last year, after an inquiry into the death of a pauper, that the wretched individual had actually died of want. The feeling of the whole country had been roused against such a system. There could be no doubt whatever that there were good reasons for the detestation in which the people held the Poor Laws. The regulations now in force did not even permit a poor worn-out labourer to enter the workhouse unless he was accompanied by the whole of his family; neither was this species of relief given to him until he had sold the last remnant of his furniture, and had become wholly destitute. Forgetful of Pitt's maxim of 1794, to which he had already referred, the Legislature now told the pauper that he must enter the workhouse and submit to its regulations if he desired to derive any benefit from the law which assigned relief to the poor. Thus the wretched aged man found himself, after a life of privation and labour, forcibly separated from all that he loved on earth, and even deprived of Heaven's last boon—hope. And this was the sentence passed upon him in a Christian country! He was told by the Legislature that he could not be permitted to starve. No; that would have been too disgraceful. Therefore the Scripture injunction to feed the hungry and clothe the naked was fulfilled; but in what manner? The garment that was given to him was the garment of shame; the bread that he ate was the bread of bitterness. And with what advantages had the introduction and enforcement of this New Poor Law been attended? He was prepared to show that as the operation of that law had advanced, so had crime increased in a perceptible ratio. If he were allowed he could prove the facts to be as he had stated, and if the House would permit he would refer to one series of returns in order to show the result to be as he had stated. In the year 1836 the number of convictions for crime were 14,771. In 1837 they had increased to 17,690; in 1838 they amounted to 16,875; in 1839 to 17,832; in 1840 they numbered 19,927; in 1841, 20,280 was the amount of convictions; 22,733 in 1842; and in 1843 they were 21,092—a number not very far short of double what they were in 1834. These figures would show what a fearful increase of crime there had been since the New Poor Law had come into operation; and what was still more remarkable, this gradual increase in the number of offences was more observable in the counties that were almost entirely, if not exclusively, agricultural districts. He found that in Berkshire the convictions were nearly double in 1843 what they were in 1836, being as 230 to 137; in Buckinghamshire they were 124 in 1837, and 216 in 1840; in Derbyshire 141 was the amount in 1836, and 254 in 1840; in Devonshire they were 358 in 1836, and 517 in 1840; and in Durham they were 105 at the first period, and 216 at the second. This series of facts, though not conclusive, was at all events a very strong, and an equally available argument against the Poor Law. The effect likewise of the present system of affording relief to the destitute classes under the New Poor Law was one which ought to weigh very strongly against its perpetuation. The industrious poor man, reduced by hard necessity to have recourse to it in consequence of his being unable to procure work, was hardened and rendered indifferent to shame and exposure by the wretchedness to which it reduced him at the very first, whereas the profligate idler and the thief passed callously under its operation, in consequence of their being already dead to the better feelings of human nature. The former shrunk from the degradation of being compelled by the chance of sickness or momentary privation of employment to associate with the incorrigibly lazy habitual inmates of the workhouse, whereas the latter class of persons, as well as those of a more criminal description, utterly disregarded all such considerations. Another of the arguments which might be fairly urged against the Poor Law was that which had formerly been advanced in its behalf, namely, the amount levied under its operation for Poor Rates. The sum raised for the relief of the poor in the year 1835, when first it came into force, was, in round numbers, 8,000,000*l.* In the year 1837, this sum was reduced to 6,300,000*l.* In 1838 it was 5,000,000*l.*; in 1839 it again rose to 5,600,000*l.*; in 1840 it reached 6,000,000*l.*; in 1841 it was 6,350,000*l.*; in 1842, 6,552,000*l.*; and in the last year the rates levied for the relief of the poor reached the sum of 7,000,000*l.* odd, being, with a very small difference, nearly the same amount that the New Poor Law Bill commenced under. The Act of the 43rd of Elizabeth took for its basis the inference that when the labourer was, from whatever cause, unable to support himself, the burthen of his maintenance was thrown upon society at large. The principle of the New Poor Law, on the contrary, threw the poor man entirely upon his own resources, and denied his right to assistance unless upon such conditions as made even privation preferable to their acceptance; and this principle was adopted as the inflexible rule at a period when mechanical science had made such vast progress as to limit in the most perceptible manner, the field of labour of the working classes. Let him ask, with reference to this very point, did it ever appear that a capitalist sought in vain for labourers in this country? Was not the converse of this proposition the true—unfortunately too true—state of things? Did not the labourer frequently—nay, daily—seek in vain for employment by which to support his family? He asserted, and he did so without fear of contradiction, that it was not the labouring classes who were unwilling to work, but it was the employers who were either unable or unwilling to find them occupation wherewith to support themselves. The labouring classes were those on whom the prosperity and stability of the empire depended, and this country was never more secure and prosperous than when wages were high, whereas the rate of wages never was so low as at present. He would now, having gone thus far, proceed to state an opinion, in which he was already aware a great many hon. Members who heard him would not coincide, namely, his firm belief that the great evils under which the country laboured had been increased by the predominance of manufactures and machinery, which had so vastly multiplied of late years. The stimulus given to the increase in the population by the predominance of manufactures was very observable. In the year

1670, the population of England was about 6,500,000; in 1800, it was about 8,000,000, being an increase of about 1,500,000; whilst from 1800 to 1840, the numbers of the people had nearly doubled, being within a fraction of 16,000,000. He maintained that so sudden and so vast an increase in the number of the inhabitants of any country could not but produce a very great social change, and when he asserted that the manufacturing portion of the community had proved injurious to the other classes, he would assign as one reason for that assertion the fact that the manufacturers contributed nothing, so to speak, towards the relief of the poor. He was prepared to show that the chief burthen fell upon the land, which was assessed at 35,000,000*l.*; house property at 23,000,000*l.*; and all other property at only the sum of 6,000,000*l.*; this latter included the mills, factories, and other manufacturing properties. The hon. and learned Member for Liskeard had stated last year that during the preceding ninety-four years the land had contributed towards the poor-rates 255,000,000*l.*; houses, 123,000,000*l.*; and mills and factories, 16,000,000*l.* Machinery was not rated to the poor according to its value. [" No."] The hon. Member denied his assertion; but he would appeal to the House if what he said was not the case. How much, let him ask the hon. Member, did the manufacturing interests contribute to the poor-rate? A good deal had been said about rating the stock in trade to the poor-rates, but was not the machinery of a mill or a factory to be regarded in this respect as so much stock in trade, and therefore liable as such to be rated? The manufacturers' advocates might argue that they ought not in fairness to be made to contribute to the poor-rate in the same ratio as the landed proprietors; but he would answer, that if they claimed the same protection from the laws and obtained the poor man's labour, they were bound to pay their quota toward his support when in need of relief. Besides, the population of manufacturing labourers was supported by the land and not by the mill-owners. In 1800 the landed proprietors took care that when they let a cottage to their labourers a piece of land should be annexed to each dwelling for his cultivation. Such was not the case in the manufacturing towns, and whenever a period of depression arrived, and the operatives were thrown out of work, then they were driven to seek relief and shelter in the agricultural districts. In that enormous field of speculation which constituted England, the manufacturers always profited by the prevalence of distress and want of employment, because they then got labour cheaper than during more prosperous times. With respect to this very topic Lord Liverpool said in 1822:

> " When the noble Lord says, that low prices incident to the distress which agriculture suffers benefit no man, I answer that I sincerely wish that such distress did not exist: but I cannot be blind to the fact, that they certainly do benefit a great majority of the people; do they not benefit the annuitant and mortgagee."

The argument urged in favour of machinery by its advocates was, that in proportion as manufacturers increased and spread, so likewise did the power of giving employment multiply. Now, machinery had increased thirty-fold within the last thirty-years, and if the first part of the proposition which he had stated were true, the power of affording employment ought likewise to have multiplied in the same degree, whereas the very contrary was unfortunately observable. For his part, he did not think that the power of England depended on the development of her manufacturing capabilities, but even if that were the fact, he contended, that the more fully this capability of manufacturing became developed, so in like manner increased the misery and privations endured by the people, and he was prepared rather to sacrifice all the benefits resulting from manufacturing prosperity than to entail such consequences as it brought with it upon the people. He did not think he should have much difficulty in proving that every measure affecting the commercial and financial interests of the country that had been passed since the year 1819 had tended directly to the benefit of the capitalist and to the injury and deprivation of the labouring classes; and amongst these measures not the least influential had been the Currency Bill, the oor Law Amendment Act, and the new Tariff. He heard it asserted on every side that England depended for her greatness on her manufactures. The House would be able to perceive from what he had already said how much the question of that branch of her industry was mixed up with the topic of the Poor Laws. In the Agricultural Committee which sat during the year 1836 the Chairman asked Mr. Langholm,—

> "To what do you attribute the impoverished state of the farmer? Mr. Langholm.—I attribute the distress of the farmer chiefly to the diminished quantity of currency. Mr. Wodehouse.—Do you disapprove of the New Poor Law? Mr. Thirnall.—Most assuredly, I think it it will compel the labourer to work for low wages. They will not be able to consume our produce. Consequently, I think it will be very prejudicial to the farmers. Is the labourer better or worse off than he was ten years since?—He was better off till the New Poor Law came in. Then he was thrown upon his own resources."

The question was put to Lord Radnor,

> "Notwithstanding all philosophical arguments, is it actually true that the result of the Act of 1819 was to pay double what you had borrowed?—Yes. If the House of Commons had known the effect of the Act, would they have passed it?—I believe not. Do you believe the Bill was passed in utter ignorance of its consequences?—I believe it was so. It affected the whole nation?—Yes, it affected every fixed payment that was made."

[The hon. Member next referred to the opinion of Sir James Graham, that the reduction of landlords' rents, consequent on the Act of 1819, had averaged at least 30 per cent.] The right hon. Gentleman allowed that the change would give many and great advantages to the manufacturers, and he presumed the right hon. Baronet would concur in the opinion he expressed, that the alteration was in favour of capitalists, and against the landed interests. He begged to remind the House that the country was now saddled with the whole expenses of the late war, during which the national debt was enormously increased; indeed, a great portion of the national resources was swallowed up by that debt. What was the opinion of Mr. Pitt on this point? In 1796 or 1797 that right hon. Gentleman said,

> "I say, fortunately we have at last adopted the redemption fund. The benefits of it are already felt. They will every year be more and more acknowledged; and in addition it is only necessary to say, that instead of consulting a present advantage, and throwing the burthen as heretofore upon posterity, we shall fairly meet it ourselves, and lay the foundation of a system which shall make us independent of all the events in the world."

It was stated in the Report of the Poor Law Commissioners in 1834 that the poor of this country were idle, improvident, and vicious. He would put it to the House whether the poor population of this kingdom were open to such an imputation? He would ask whether any hon. Member of that House would deny that, under the distress and misery the poor of this country had suffered during the last few years, they had manifested the most exemplary patience? If he (Mr. Cochrane) were desirous to prove that this had been the case, he would refer to the evidence given as to the working of the allotment system; and he must say, that when it was remembered that 2,000,000 of the inhabitants of this country depended for subsistence upon the Poor Law, their patience was highly commendable. The Committee, in reporting upon the allotment system, said,

> "We find in this excellent Report, that of all the heads of families holding allotments in Kent, not one of them was committed for any crime during 1841 and 1842. In the parish of Harlow there were thirty-five commitments in 1825. The allotment system was introduced in 1836, and in 1837 the commitments were reduced to one."

In answer to the Chairman of the Committee, Mr. Martin said that one-half of the holders of the allotments of two acres would have been on the parish but for that system. But in 1834 the Poor Law Commissioners, referring to the subject of allotments, said,

> "The immediate advantage of allotments is so great that if there were no other means of supplying them we think it might be worth while, as a temporary measure, as a means of smoothing the road to improvements, to propose some general plan for providing them."

He believed that the first and best remedy for the existing evils would be to return to the old system of relief, altering and amending it in such respects as might be deemed necessary, but preserving its Catholic spirit. Mr. Professor Grindley, of Lausanne, truly said,

> "Workhouses for old men weaken the ties of families, and destroy those feelings of affection which children owe to their parents; they give birth to the monstrous idea that the old are a burthen upon society, of which it must endeavour to rid itself."

In no other country in Europe was such a system carried out as had been introduced into England. If they looked to France, no Poor Law existed there; the workhouses in Germany were only for the impotent poor; in Scotland, though a

Poor Law did exist, it was rarely or ever acted upon, and that country was free from the incumbrance and expensive machinery which was in operation here. The Commission which had been sent into Scotland to institute inquiries as to the relief of the poor reported in these terms:—

> "A strong feeling in opposition to a legal assessment has, however, existed in Scotland, and the clergy in general have strenuously exerted their influence to prevent recourse being had to any compulsory means for the relief of the poor. It is maintained that the existence of an assessment in a parish has a tendency to encourage pauperism, and to increase the number of the poor and the expense of supporting them, without materially benefiting their condition. The establishment of a fund so raised is said to lead the poorer classes to place an undue reliance on a legal provision, and thus to break down their spirit of independence. The exertions they might thus make in their own behalf are thus supposed to be relaxed, while at the same time the efforts of private charity, the care and kindness of relations, and the sympathy of the poor for the poor, are held to be so much diminished as to render any advantage which the pauper may obtain from the introduction of assessments but a small compensation for what he loses in other respects."

His conviction was, that the Poor Law as now existing in this country tended to diminish and to repress those kindly feelings which ought to exist in every relation of life. The great object of the Legislature, as he conceived, ought to be this—to endeavour to diffuse, through all classes of the state, a warm spirit of charity—not that charity which was to be found among society-mongers, prize-beast, or prize-labour dealers; not the charity of political economists, or of workhouse disciplinarians; what it was requisite to impress upon all minds was, that those feelings and sympathies were not the results of peculiar refinement, but that the humblest classes were susceptible of the same impulses and affections. What was the course pursued under the present system of Poor Laws? They took the poor man from his cottage, they forgot that his footsteps still lingered on the threshold, and that the roof, however humble, had sheltered him from the cold; they placed him in a large, commodious, roomy building—a workhouse—which was divided and subdivided according to the most approved economical scale, and regulated by a system of machinery and by rules which would delight a Malthus; they separated him from those who had hitherto been his support and his glory; and if, in the fulness of sorrow, he turned towards the home he had left—if he accepted ln bitterness the pittance which the state doled forth—they then accused him of ingratitude. This was no hypothetical case;—it was a case occurring daily, almost hourly, in every parish in this country. He believed that no good man could enter the workhouses in this country without feelings of shame. In his opinion, the present system of Poor Laws in this country engendered error; and they were leading men into temptation even while giving them, day by day, their daily bread. There were moments in the lives of nations, as of men, when their situation demanded great sacrifices,—when the sense of self must be lost in one great universal interest. It appeared to him that the present was a most critical period in the history of this country; for the condition of the poor was such as might well occasion serious apprehension and alarm,—and certainly this was not a time when an unreasonable economy should find any place in their consideration. He believed that the seeds of vast movements were scattered throughout the land. It was true that, at this moment, there was no outward manifestation of discontent; but it was too hard to test the amount of suffering by that of popular excitement. Happily a moral feeling still prevailed throughout this land, which taught men to bear up against misfortune, and to submit to privation and suffering with patience and resignation. But the people did not on that account feel their sufferings the less; and if the House took no heed of their complaints, the low voice of anguish might become louder and louder, until, with one cry of despair, all classes and all orders were buried in overwhelming ruin. Unhappily, the apparent prosperity and external splendour of a state were too frequently found combined with much internal misery. They knew

"How wide the limits stand
"Between a splendid and a happy land."

The population of Spain was starving at the time her galleys were daily arriving, laden with the spoils of Mexico and Peru. The seeds of the French Revolution were sown while the arms of Louis XIV. were victorious beyond the Rhine and the Pyrenees. It was true that, at the present moment, this country held a proud position among the nations of the world. We possessed extensive dominions; our flag was everywhere respected; our commerce extended to every part of the globe where civilization had set her footsteps. But it might be said, "Much of this is owing to our manufacturing system." That he admitted; but at the same time he reminded them that to that system they owed all the internal evils which were now preying upon society, and which, he much feared, would ultimately lead to the ruin of this country. But if—which God forbid—such ruin did come, it would date from the time when the financial resources of the country were first overstrained—when it was first imagined that our manufacturing industry could never be sufficiently developed; and it would be consummated by that which ought to be the chief source of our strength and our power—the numbers of our people. He begged the House to remember that they were legislating for those who could not legislate for themselves—who had not any voice in the deliberations of that assembly—who were not even represented in that House. He trusted they would not hesitate to meet a vast evil which our own greatness — our own prosperity — had brought upon us. He trusted they would not shrink from the discharge of the duty they owed to society—that of carrying consolation into the bosom of families, there to distribute the relief which benevolence afforded in the perfection of human charity. This was an object worthy of their most serious consideration; and he would ask them, in the name of humanity, in the name of the friendless, in the name of public morality, so to discharge their duty towards the poor that the right hon. Gentleman, and those associated with him in the government of this great country, might win to themselves, not the praise of mere political economists, as the disciples of a heartless philosophy, but that they might carry out the sentiments avowed by the right hon. Baronet the other evening, when he opposed that cold philosophy with manly and generous feeling — that they might win for themselves the blessings of the aged, the poor, and the fatherless, and might long live in the memory of a grateful and contented people. He begged to move, as an Amendment, that the Bill be committed this day six months.

The *Speaker* said, the Amendment of the hon. Gentleman was not in accordance with the forms of the House. The question was that the Order of the Day for going into Committee be now read, and it was competent to the hon. Member to move as an Amendment either that a particular Order of the Day be read, or that the Orders of the Day be read. The Amendment of the hon. Member must be put in one or the other of these two forms.

Colonel *Sibthorp* had listened with great attention to the observations of the hon. Member for Bridport, and he fully concurred in what had fallen from that hon. Gentleman with regard to the existing Poor Law. His opinion always had been, that the present Poor Law was a measure most uncongenial to the feelings and habits of that class of the people to whom it referred. He took this opportunity to express his detestation of that measure, which he would venture to term a brutal law. He conceived, that the best course they could adopt would be, to abolish the body of Poor Law Commissioners, which he considered the mainstay and great cause of all the evils in the administration of the existing law. He did not mean to impute blame to any individual member of that body; but he must say that the manner in which the Commissioners had acted throughout the country was such as to deprive them of all confidence on the part of the people He wished to impress upon the House, as a first step towards remedying the evils complained of, the necessity of getting rid of the whole body of Poor Law Commissioners. With regard to the law itself, he agreed with his hon. Friend the Member for Bridport, that so far from tending to promote the comfort of the poor, or to improve their condition morally or religiously, it was calculated to lead to the extension of misery and crime. Independently of this, all the rational enjoyment which the people had a right to experience in this country had been interfered with by the operation of this law. But it was not his intention, after the able exposition of the hon. Member who had just addressed the House, to detain them by entering into any details with reference to the Bill under discussion, however he might be opposed to it. It would not be right for him to do so at this stage of the proceedings. Should the House resolve itself into Committee, he should then have an opportunity of entering more at length into a consideration of the subject. He should reserve himself for that occasion, when it was his intention to take the sense of the House on the principle of the Bill. Thus much he had to say, expressing his concurrence in all that had fallen from his hon. Friend, who had spoken with such feeling and ability.

Sir *J. Guest* understood the hon. Member (Mr. B. Cochrane) to say, that the interest with which he (Sir J. Guest) was connected did not pay its fair proportion of poor-rates. He begged to assure the hon. Member, that there was no foundation whatever for such a statement. He paid in poor-rates more than 1,000*l.* per quarter. Every mill, every piece of machinery, every steam-engine, was assessed to the poor.

Mr. Cochrane's Amendment was not put.

The Order of the Day read.

Upon the question that the Speaker do now leave the Chair,

Mr. *Borthwick* said, the subject which they were then discussing was one of the most important which had yet come under their consideration. He was anxious to direct the attention of the House to the words which fell from Earl Grey; following Lord Malmesbury, in July 2, 1834, upon introducing the Poor Law Bill into the House of Lords, the noble Earl said—

> "I entirely agree with the noble Earl in thinking that the Bill just brought up, less than any other measure, ought to be considered as a party measure; and I trust that it will not be so considered. The Government have, as in duty bound, bestowed the most careful and deliberate attention upon this most complicated and difficult subject, affecting, as the noble Earl has truly stated, most extensively the interests of the people, and involving more important consequences than almost any other measure ever submitted to Parliament."

Such was the opinion of Lord Grey, and he referred to that, in order that he might not be under the necessity of quoting the opinions of other noble Lords who spoke upon this subject. Every individual must admit that the interests involved in this great question were the basis of the prosperity of the country, he meant those of the labouring part of the population. He wished to address himself more to the principle than to the details of the measure. His resolutions were not so much directed against the Bill as against the Act upon which the Bill is founded. It was his opinion that it would be impossible to satisfy the people generally by merely patching up the details of a Bill based upon an Act unsound in principle and oppressive in operation. That measure would not give satisfaction unless it was founded upon more humane and Catholic principles. It was impossible for any man to close his eyes to the spirit of Catholicity spreading at that moment over the troubled waters which, out of mere chaos, promised to develope principles more pure, more just, and more generous in reference to the operation of the laws under which they lived. It was the hon. Gentlemen opposite who introduced a principle directly opposite to that for which he was contending, when, in 1834, standing upon a pinnacle of political economy, looking back for thousands of years upon the history of this country, they enacted the New Poor Law. Let him remind the right hon. Baronet and the House, that an hon. Gentleman, no longer a Member of that House, moved certain resolutions on this law. He referred to Mr. Walter, the late Member for Nottingham. That Gentleman based his resolution upon a certain document, which he brought under the notice of the House. The right hon. Baronet, however, upon that occasion denied the assertion that the Poor Law Bill was constructed upon that document. He would not say that such was the fact; but he had in his hand what he thought might be considered an authoritative document in connexion with this subject. That document was the speech of Lord Brougham when Lord Chancellor, delivered in the House of Lords, on July 21, 1834, carefully corrected by his Lordship and dedicated to Earl Grey. In this speech Mr. Pitt was denounced as a shallow man for proposing such a Bill as he brought forward in 1795, for the settlement of this question. Lord Brougham said, he was not prepared to join in the cry against the magistracy, who had been blamed for the mal-administration of this law. [The hon. Gentleman quoted from Lord Brougham's speech the noble Lord's opinions on the conduct of the magistracy in administering the law, and on Mr. Pitt's measure of 1795, for which see *Hansard,* vol. 25, third series, p. 216. He regretted that Mr. Pitt, frantic as he was said to have been, had not bitten the noble Lord, and those other noble Lords and hon. Gentlemen who took a part in enacting the present law. The hon. Member also quoted the opinions of Mr. Justice Blackstone, and

Sir M. Hale, that every man might demand subsistence, and that the right for it formed a fundamental part of the Constitution of England.] Mr. Pitt was not the only person whom Lord Brougham considered to be "frantic" on this subject. In the noble Lord's speech he says, speaking of the statute of Elizabeth,

> "My Lords, those who framed the statute of Elizabeth were not adepts in political science—they were not acquainted with the true principles of population—they could not foresee that a Malthus would arise to enlighten mankind upon that important, but, as yet, ill understood, branch of science—they knew not the true principle upon which to frame a preventive check, or favour the prudential check to the unlimited increase of the people. To all that they were blind; but this I give them credit for—this they had the sagacity to foresee—that they were laying the foundation of a system of wretchedness and vice for the poor—of a system which would entail upon them the habitual breach of the first and most sacred law of nature, while it hardened the heart against the tenderest sympathies, and eradicated every humane feeling from the human bosom; and, therefore, the same statute of Elizabeth which first said that labour and the reward of labour should be separated; the same atatute which enacted a law contrary to the dispensation of Providence, and to the order of nature—foreseeing that the consequences would be to estrange the natural feelings of the parent for his child, and of the child for his parent—for the first time in the history of human legislation, deemed it necessary to declare, by a positive enactment, that a child should be compelled by the statute in such case made and provided, to obey the dictates of the most powerful feelings of nature—to follow the commands of the law implanted in every breast by the hand of God, and to support his aged and infirm parent."

When Lord Brougham and Earl Grey asserted that Mr. Pitt was ignorant of the principles of Nature and of God, they forgot the command which our Creator gave, viz., "to increase and multiply." There would be no redundancy of population if the poor man was not crushed by unjust laws. England was not over-peopled except as they, by mischievous legislation, clogged the springs of industry, and prevented the development of the powers which would enable the labouring people to maintain a respectable position among other classes of the community. In the speech of Lord Brougham, to which he had previously referred, he brought forward as one argument for the contemplated change, the state in which the country then was. The noble and learned Lord asserted that agrarian outrages unexampled and unequalled in the history of the country, existed to an awful extent throughout various parts of the Empire that unless something was done to put a stop to that state of things, all the property in the country would change hands, that the United Kingdom would be resolved into a condition worse than that which existed during the most frightful period of the French Revolution. It was to prevent such results and to reduce the amount of Poor Rate that a Bill was introduced, founded upon principles directly opposed to those upon which the Act of Queen Elizabeth was based. Had the measure produced the consequences anticipated? Had there been no agrarian outrages since 1834? Were Manchester, Stockport, and Bolton in a better condition now than they were in 1834? What had the hon. Member for Stockport said to the House with reference to the state of that manufacturing town? He told the House, that unless something was done to ameliorate the condition of the people, so frightful was the distress, that he should be afraid to return to his constituents; and that, in fact, if things were allowed to go on unaltered, he should have no constituents to return to. The hon. Member for Bolton also depicted in the place which he represented, a state of society which it was awful to contemplate. Such a state of things existed with the Poor Law Bill in operation, and, therefore, he was right in asserting that the Bill had not answered the object for which it was introduced. With regard to the poor-rate, he would not say, that it was not in some parts of the country lessened in amount. In his little parish, the poor cost, the year before the new Poor Law was enforced, 321*l.* The rate had now gradually mounted to 520*l.* without appreciable increase of numbers. His parish was under Gilbert's Act; he was the guardian, and Mr. Villiers, on his visit of inspection, lauded their system of management. In that town, he extracted from the rate books the number of persons discharged from the payment of rates from inability to pay, and found an aggregate of 262 discharged. Thus it appeared in one case the rate had nearly doubled, and the poor were no better off. But this was a trifling matter when compared with the point to which he was anxious to direct the attention of the House. He referred to the in-door test. But in the first place, as to the unconstitutional powers vested in the Poor Law Commissioners. He did not assert that they acted without the sanction of the Constitution. He meant to assert that the powers they possessed were opposed to the genius of the Constitution. The poor were excluded from the pale of the Constitution because the Poor Law Commissioners dealt with the liberty and even with the lives of the poor, in a manner which they could not be warranted in doing, unless under the authority of an Act passed by the authority of both Houses of Parliament, receiving the sanction of Her Majesty. This rejection of the people from the pale of the Constitution was most dangerous in principle. Every man who earned his bread by the sweat of his brow had before him now, only the last resource of the workhouse. Suppose a man to be born in a parish in which, perhaps, he had lived for sixty years—all his associations were in that parish—his affections were entwined around his neighbourhood—his children had grown up in the cottage bequeathed to him by his father, and in it he had passed sixty years of his life in honourable toil—not less honourable than that of any hon. Member in that House in his more exalted sphere. For some two months he might, perhaps be out of employ; and what did the new Poor Law say was to be done with this poor man in such a case? In the Bill constructed under Lord Brougham's principle of humanity, it was enacted, that in such a case, if the poor man were willing to sell his cottage, be separated from his family, and enter the workhouse, depriving himself of all the consolation which belonged to an association with those whom he loved, then he should have such relief as was necessary to keep his body and soul together; and the principle upon which that was done forsooth, was to restore among the labouring classes of this country a feeling of independence; but the honest and industrious poor man was placed on an equality with the indolent and sturdy beggar. The principle upon which the law proceeded, put into the hands of a certain set of men invested with Her Majesty's Commission, the power of dealing with the proderty and lives of the poor of the nation. He knew there were many exceptions in the practical operation of the law to the case he had supposed; but in every case where they were made, the law was violated. They might show him regulations of the Commissioners; but those regulations might be withdrawn, and that was what he complained of. If, indeed, as in certain Acts, the regulations of the Commissioners were appended in a schedule to the Act, and so became the law of the land, there might be some reason for it; but they were regulations, having the entire force, but none of the sanction of law—introduced by the Commissioners against one class of Her Majesty's subjects only. The Commissioners, too, had the power of appointing persons to certain offices, and affixing salaries to those offices, and thereby of indirectly taxing the people, and interfering with the prerogative of the Crown. In fact, they exercised a higher prerogative; for the Crown could not fix a tax without coming to that House. He would not enter into cases illustrative of this principle; but he would mention a fact which had been communicated to him, in a letter from one of his constituents. The writer said—

"This morning, 22nd February, 1844, a poor man came to me to beg I would give him an order for work to be found him. 'I want nothing but work; I have had none this fortnight. My poor wife was brought to bed on Tuesday morning. I have two other young children crying for want of victuals, and for cold. I went to the relieving officer; he gave me two brown loaves, which helped me and the two children; but oh, Sir, what be I to do for the poor woman? I'm afraid she will be cast away for want of what is necessary.' The big tears coursed each other down his honest face in this recital—and I was obliged to hear—without power, legal power, to redress. This is one of the numerous cases in which I want the appellant jurisdiction of a magistrate."

He had a large number of such cases, but he would not detain the House by referring to them. The operation of the law in general, had been, as naturally it would be, that the poor, with that feeling of independence which belonged to every man, refused as long as possible to go into the workhouse. They sold piece by piece their furniture, during the first two or three years of this Act, until at last they became the recipients of the bounty held out to them through these hard means, and the consequence was, that the poor-rates must increase, the contentment of the people must decrease in proportion, and the foundations of the prosperity of this great country, inasmuch as they rested on the feelings of the lower orders, must to that extent be sapped and weakened. He would not enter into any of the causes of the present distress amongst the lower orders. If, however (he said) it was altogether caused by the Act under discussion, he should be much nearer the truth than was Lord Brougham, when he attributed the distress of 1834 to the operation of the Act of Elizabeth, and the subsequent Poor Law Acts. That that noble Lord was wrong was really proved by this fact—that the Law of Elizabeth was passed 300 years before, and that distress had scarcely existed as many units of years. The noble Lord, therefore, was singularly at fault in that respect. That law acknowledged the right of the poor to be fed by the State, but the poor that came within its meaning were the honest and industrious. It was a libel to unite them in the same class with the idle. But the present law, made under the pretence of being a law for amending the Poor Laws, and regulating a better administration of relief to the poor, was, in fact, a law for punishing the idle and non-industrious, which, at the same time, unfortunately took within the scope of its punishment, and more severely than the idle, those for whom it was the bounden duty of the State, under all circumstances, to provide. He would call the attention of the House to this fact—that inasmuch as upon the poorer classes of this country mainly depended its prosperity, the law by which they regulated the relief of the poor ought to be based upon the principles not of political economy, cold, abstract, calculating, and theoretical, but upon the general principles of humanity and religion applied, in their broadest and most Catholic form, to the wants and requirements of the people. That was a short-sighted policy, which induced them to apply a bookish system to this code of laws; and let the House remember, that the decision which they would come to eventually upon this great question, involved interests which would last long after they who now debated the question had become dust; interests upon which the welfare of this kingdom depended. He knew that those who framed that law were sensible of the obligations of humanity and religion; and it was because his feelings were unaccompanied by anything like disrespect to them, that he called upon the right hon. Gentleman the Secretary for the Home Department, upon his right hon. Colleagues, and upon the noble Lord, the Member for the City of London, to vote with him upon his Motion, for a reconstruction of this law, upon the principles which were adopted into the legislation of this country as early as the reign of Edward II., and which had never failed to characterize our legislation, until the unhappy Bill of 1834, which had been the source of so many evils. It sought to obtain good by bad means; and consequently, failed in achieving that which it contemplated. He would ask hon. Gentlemen on both sides to consider it upon the broad principle upon which that Bill was constructed, and to say whether or not that principle was unsound and oppressive in its operation on the poor, and whether by such a measure they were not alienating from the rich, from the property, and from the institutions of the country, the affections of the poor, upon whose good feelings the prosperity of those institutions mainly depended. He would admit, that there had been one defaulter in the matter of the Poor Laws, and that was the Church. In the Saxon Law the tithe, which was not literally a tithe, but all payments made to the Church were divided into three parts—one for the Church, another for the clergy, and the other for the poor. All the laws, which were then considerable in number, passed previously to the time of Henry VIII., recognised that principle, and insisted that the Church should provide for the wants of the poor. When Henry VIII. confiscated the Church property, it was necessary that some law should be made to prevent the increase of pauperism. The first law was that passed in the time of Henry VIII., and from that the whole nation was considered as the Church; and, upon Christian principles, the whole nation was taxed for the support of the poor. He did not know whether the House was aware of the fact, but there were 158 Acts upon the Statute Book at that moment, affecting the distribution of relief amongst the poor; and he had intended in the Bill which he had purposed to ask leave to bring in, to have consolidated the whole of those laws. That was a task not for his puny powers; but he believed that the right hon. Gentleman would, ere long, see the expediency of adopting that course; and that they would have a code relating to the poor, which would relieve the operation of the laws now in force from the perplexity in which they were now involved. The two resolutions which he had to submit to the House were—

"1. That the Act 4 and 5 William IV. c. 76, commonly called the New Poor Law, is unconstitutional in principle, and oppressive in operation. 2. That it is therefore expedient that the said Act should be taken into consideration, with a view, not to its partial amendment, but to its entire re-construction."

If he were right in supposing that the law was contrary to sound principle, and that the operation of it was oppressive on the poor, and tended to alienate the affections of the people from the institutions of the country, he thought no hon. Member would doubt, that those two Resolutions ought to be adopted by the House. He gave the right hon. Gentleman (Sir J. Graham) that credit which he knew he deserved, of being actuated by the very best principles of humanity; but he would say that even if the administration of the present law was in the hands of angels, it could not affect that good which it was intended to do.

Sir *J. Graham* said, I think, Sir, that after the speeches which have been addressed to the House, it is expedient that I should now offer some observations before we proceed further in this debate, and it will be necessary for me, I am afraid, to occupy the attention of the House, though very unwillingly, for some short space of time. I am bound in the outset of the observations I am about to make, to state, that if I could agree in the first resolution just moved by the hon. Gentleman—if I could think that the Poor Law as it now stands is unconstitutional in principle and oppressive to the poor—no consideration of the advanced period of the Session would induce me to hesitate for one moment to vote in favour of the hon. Gentleman's Motion, and to agree to take into immediate consideration the law as it now stands, with a view to the formation of some new code for the relief of the poor; but, having deliberated much upon this subject, and having had some experience both in the details of the administration of the law, and in the supervision and general control over that Administration in the discharge of the duties of my present office, I am bound to say that experience has confirmed my opinion, that upon the whole, the amended Poor Law is conducive to the interests of the working classes, is constitutional in principle, and that this House and the Legislature have acted wisely in adopting it. The hon. Gentleman has referred to a very eloquent passage in the speech of Earl Grey when he first moved in the House of Lords the Bill which is now the law of the land. I entirely agree in what the noble Earl stated in that passage, that this is a measure involving in the highest degree the feelings, interests, and happiness of the most numerous class of society in this country, and that, therefore, it is entitled to the gravest consideration of Parliament, and I am also of opinion that it is the duty of the Legislature not only to give their most serious consideration to this subject, but that it is their duty to be actuated in legislating upon it by a kindly spirit towards the poor. With these principles I entirely agree. I do not therefore undervalue the importance of this subject, and I estimate, as they deserve, the difficulties by which it is surrounded. But I altogether repudiate the opinions which were urged by the hon. Gentleman who moved the first resolution; as well as his arguments urged by the right hon. Gentleman who has just sat down, and who has put into your hands, Sir, a Motion upon which he has announced his intention of taking the opinion of the House. The hon. Member for Bridport stated, in very general terms, that it is his opinion that the law as it now stands is alien to the ancient constitution of this country. Nothing could be more vague than that declaration. I was, therefore, compelled to look back to the earlier statutes and to ask what is the ancient constitution in reference to the laws for relief of the poor, and I naturally first turned to the reign of Elizabeth, when the interests of this country were guided by statesmen of the greatest genius; but, it was not until the close of that reign that the Act to which the hon. Gentleman referred was passed. I think it was passed at the very close of that reign, shortly before the death of the Queen; and a considerable time elapsed before its effects were disclosed. The reign of Charles I. was a period of great disturbance, and I suppose it was not to that period or to the period of the Commonwealth that the hon. Member would refer as to the happy days of the ancient constitution of this country under which the welfare of the working classes was secured. Then we come to the reign of Charles II., and in that reign we find that the real effects of the Act of Elizabeth were fully developed. In confirmation of what I am now stating, perhaps the House will permit me to read the preamble of the

Statute of the 13th and 14th of Charles II., which was an Act for the better relief of the poor of this kingdom. The effects of the Act of Elizabeth had time to develope themselves fully, and had arisen to such a height of intolerable mischief as to call for the interference of the Legislature; and it is manifest, from the preamble of that Act, that the effects of the Act of Elizabeth were within the purview of the Legislature in framing the 13th and 14th of Charles II. What are the terms of that preamble?

"Whereas the necessity, number, and continual increase of the poor, not only within the cities of London and Westminster, with the liberties of each of them, but also, through the whole kingdom of England and dominion of Wales, is very great and exceeding burthensome, being occasioned by reason of some defects in the law concerning the settling of the poor, and for want of a due provision of the regulations of relief and employment in such parishes or places where they are legally settled, which doth enforce many to turn incorrigible rogues, and others to perish for want, together with the neglect of the faithful execution of such laws and Statutes as have formerly been made for the apprehending of rogues and vagabonds, and for the good of the poor. For remedy whereof, and for the preventing the perishing of any of the poor, whether young or old, for want of such supplies as are necessary, may it please, &c."

As early, therefore, as the reign of Charles II., the imperfections in the Act of Elizabeth were clearly demonstrated. The increase of the poor by reason of defects in the law, had become exceeding burthensome—many had turned incorrigible rogues—many perished for want of necessary supplies — Now, the hon. Member who spoke last has referred to Lord Hale (and higher authority cannot be), to show the state of the poor at that time. What is it, then, which Sir Matthew Hale states with reference to the condition of the poor under the operation of the Statute? Sir Matthew Hale published a pamphlet in the reign of Charles II., containing a plan for the better relief of the poor; and he, writing in that reign, gives this description of the condition of the poor under the Statute of the 43rd of Elizabeth:—

"Let any man," says he, "“look over the most populous parishes of England; he will find poor-rates made on which the poor live miserably; at best, from hand to mouth; and if they cannot get work, they and their children set up the trade of begging."

This was the statement of Hale with regard to the imperfect operation of the law at the time he wrote; in fact, he himself proposed an amendment of the 43rd of Elizabeth. Now, it must be observed, that the Legislature very early after the accession of the House of Brunswick to the Throne, felt so strongly the necessity of revising and altering the provisions of the 43rd of Elizabeth that the Statute of the 9th George I. was passed, not only greatly altering and modifying that enactment, but changing it precisely in those particulars wherein the amended Poor Law now differs from the Statute of Elizabeth. Sir, I am not about to weary the House by going minutely into details, but I will say generally that the 9th George I. is an enactment, not only tracing the outline of the Poor Law Amendment Act, but is really identical in principle with that Act. Another alteration was made in 1796, which rendered inoperative the provisions of the 9th of George I., or at all events prevented its general use to the extent, which its excellence deserved. The principal provisions of the 9th George I. were, that parish officers might purchase houses to lodge or employ the poor in; that one parish being too small for such purchase might unite with other parishes; that districts may be formed, and (what is most material) that any poor person refusing to be lodged, maintained, and employed in such house, he or she shall not be entitled to relief. Almost immediately, therefore, on the accession of the House of Brunswick, we find the principle, and almost all the leading details of the present law, affirmed by the Legislature of that day in the most positive terms. But this is not all. In the year 1765 a Committee was appointed by this House to inquire into the state of the laws relating to the relief of the poor. The 9th of George I. not being carried into full operation, and the principle of the 43rd of Elizabeth still being maintained, the imperfections in the administration of the relief of the poor again attracted the notice of the Legislature. On the 22nd of January, 1765, Mr. Gilbert moved for the Committee I have mentioned, and subsequently Mr. Blackstone, the celebrated Judge Blackstone, reported from that Committee to the House. The Committee was appointed to revise and consider the laws relating to the relief of the poor throughout England, and to report to the House which of such laws required amendment or repeal, and what regulations ought to be adopted for the better relief and settlement of the poor. The Committee reported certain resolutions, which with the permission of the House I will read to them—

> "That it is the opinion of this Committee that the laws relating to the relief of the poor are in many respects defective; that the present mode of regulating the poor by means of separate parochial officers annually elected is inadequate for the purpose for which it was intended."

Now this is condemnation, it will be observed, of the 43rd of Elizabeth, so far as relates to the appointment under it of separate officers for each parish, in contradistinction to the 9th of George I., which unites several parishes. That is to say, it is the condemnation of the parochial system of relief as compared with relief administered in Unions. The Committee suggest in their next resolution that the appointment of a competent number of districts throughout England and Wales, and the establishment of hospitals, workhouses, and houses of correction throughout each district, would be the most easy and beneficial method of relieving and employing the poor. Such were the resolutions of this Committee of 1765; and, Sir, I cannot but think that if a Committee of this House in the year 1833 had had to draw up resolutions on the subject, they would not have been able to frame resolutions more pointedly referring to the principles of the enactment of the Poor Law Amendment Act exactly as it now stands. In the year 1787, Mr. Gilbert published *Considerations on a Bill for the Better Relief of the Poor*, which he intended to offer to Parliament, in which he said, that "the evidence for the necessity of a change is always before us. We see beggars in every highway." This was the operation of the law under the Statute of Elizabeth, and before the full introduction of the change made by the 9th of George I. Sir, before I proceed further I must be permitted to comment on the vagueness of the propositions now put forward, both in the Motion of the hon. Member for Bridport, and also in the speech of the hon. Gentleman who spoke last, though the propositions contained in his resolutions are somewhat more substantive. The hon. Gentleman states, that the Act of 1834 is unconstitutional and oppressive; but he does not state what is the substitute which he wishes to propose. Is it to go back to the 9th of George I., an alteration in the law of Elizabeth which is substantially identical with the Act of 1834? Or, is it to return to the provisions of the Act of Elizabeth? If you go back to the 9th of George I., there is some variation in detail, but in principle there is no difference between that Act and the Act now in force. If you go back to the Act of the 43rd of Elizabeth, you must go back to all the evils which are demonstrated to have existed prior to the Act of George I. But the hon. Member for Bridport declares, that the refusal of out-door relief is the principle of the present Act, as contradistinguished from the Act of Elizabeth. Now, Sir, I absolutely deny that there is a denial of out-door relief in the present Act. It is true a power is given to the Commissioners in certain cases to prohibit out-door relief; but in the law there is no such principle as the absolute denial of out-door relief. I say that the power of the Commissioners is this—in each Union, with reference to the peculiar circumstances of each union, which circumstances they have the means of ascertaining through their Assistant Commissioners, they have the power of withholding out-door relief by their order; but they have also the power of relaxing or modifying that order, as the circumstances of each union may seem to them from time to time to require. May I call the attention of the House to the immense proportion of relief given to the poor at their own houses? I assert again, that in the Act of 1834, there is no prohibition of out-door relief. The Commissioners have a certain discretion vested in them, and in the exercise of that discretion the power of refusing out-door relief is made the test of destitution; but in practice that discretionary power is mercifully applied, and relief is given in a greater proportion to the poor at their own cottages than in any other way. From the Report of the Commissioners, made in 1843, and laid on the Table of the House, it appears that 1,366,000 was the whole number of poor relieved in England and Wales within the year. Of these only 203,000 were relieved in workhouses, 1,163,000 being relieved at their own homes; that is to say, of the whole number relieved 85 per cent. received out-door relief, and 15 per cent. were relieved in workhouses. Now, Sir, I can lament with any Gentleman that so large a proportion of the population of this country should be in a condition to require relief; but, while I deplore this fact, I must also say, that I am proud of the humane institutions of this country where relief is freely given to so large a number of the poor inhabitants. Think of 1,366,000 persons having received relief from the public funds in the course of one year—think also, however you may carp at the law, or the administration of it, that, though the test of out-door relief has been established, a salutary test (as I think it) to prevent fraud, seven-eighths of that large body of persons have received this relief at their own homes, and without the compulsion of entering the workhouse. Thus I dispose of one of the misrepresentations which have been made of the working and principles of the law as at present in force. Another misrepresentation—an unintentional one, I am sure—which has gained currency, was stated by the hon. Member for Bridport, who told us that before the poor man can obtain relief in the workhouse, it is necessary that he should sell his property—in fact, strip himself of every thing he has. I have before stated, and I now repeat, that such refusal to admit a pauper to relief in the workhouse unless he sells his property, is not only not the law, but is a violation of the law. I say, it would be no answer to a man who has a wife and children starving for the guardians to tell him, that unless he sells his bed and his furniture, he cannot be admitted to be relieved in the workhouse. I say there is nothing in the law which sanctions such a refusal; I say that in practice it is not the course adopted by guardians of unions. In reference to the observations of the hon. Member on the discontent that he said prevails respecting the operation of the present law, I may remark, that it will not be denied that the Commission of 1833, pointed out the urgent necessity of a change in the law as then existing; that they enforced this by the statements they made; and that whatever those statements were, they rested on evidence which had been carefully collected. Now, with reference to the statements which immediately led to the change of the law, as existing in 1833, I may be allowed to cite from the Appendix to the Commissioners' Report two statements in reference to the condition of two counties at that time, as showing the misery of the poor and the discontent of the country under the operation of the law to which I suppose it is desired that we should return. The first statement relates to the county of Buckingham, and was given in answer to certain queries addressed by the Commissioners of Poor Law Inquiry in 1833, to M. Bourdillon, a rector and justice of the peace, respecting the condition of the poor of that county. He says,

> " I consider the burnings and riots of 1830 and 1831, to have been occasioned by the Poor Law. The operation of the law has created a malignant spirit among the work-people who were unemployed, together with idleness, discontent, and dissatisfaction with the superior classes. They know of no limit to their illegal exactions from the farmer; if they do not receive what they demand, they burn stacks and terrify the farmers; a decrease of wages and a high amount of poor-rates are the results. The paupers are more threatening in their language, and more insolent in their demands than I have ever known them."

This was the state of the county of Buckingham in 1831, under the operation of the old Poor Law. He goes on to say,

> " My opinion is, that the burnings and riots arose out of the Poor Law, for I find that they were almost exclusively confined to places where the poor-rates were high."

I will next read a statement respecting Cambridgeshire, made by Mr. Wells, an overseer of the poor, and I ask the attention of the House to this. He says,

> " I conceive that the disorders which have taken place here, are chiefly attributable to the long continued exercise of the defective Poor Law. The labourers are so discontented that they are ready to commit any act of insubordination. In almost every parish riots and fires have taken place. I am inclined to attribute a great deal of this to the cruel policy of paying single men lower wages. The object of the fires is not the destruction of property, but to obtain higher wages."

Now, that is a picture of the unchecked operation of the Act of Elizabeth towards the close of its duration, and the existence of such a state of things led most justly, in my opinion, to the enactment of the present law. The effect then, of the Statute of Elizabeth was to throw the whole working population upon the poor-rates. In the opinion of the hon. Member who had just sat down, the industrious, honest, labouring poor, have an undoubted right to relief. But whether we assent to that proposition, or meet it with a decided negative, must depend on the construction given to the language in which that proposition has been couched. If, by honest and industrious were meant the independent labourers of England, then I do say, that they would disdain to accept any such assistance. But if any man denied that those deserving of relief, and entitled to receive it, have not been duly and efficiently relieved, then I meet him by the statement which I have already laid before the House, and I say that there has been an efficient administration of the Poor Law when so many as one-eighth of the whole population have been made the recipients of relief within the last twelve months. After relief has been carried to this extent, is the House prepared to say that such men as may fairly be included within the terms of the proposition stated by the hon. Member for Evesham do not receive the relief to which they are fairly entitled? Passing, however, from any general arguments that may be founded upon the position taken up by the hon. Member who last addressed the House, I should wish for a moment to call the attention of the House to the working of the system which prevails in Scotland for the relief of the poor, and to the views entertained of it by those who are best acquainted with that part of the United Kingdom. We have now before us the Report of the Commissioners to whose consideration was referred the state of the poor in Scotland. This Commission consisted of noblemen, of gentlemen connected with Scotland, of clergymen belonging to the Church of Scotland, and here I must observe, that the ministers of the Scottish Church are pre-eminent for their attachment to the poor, and for the tender care with which they relieve their wants. Now, if hon. Members take the trouble to read that Report, they will find that the Commissioners adhere in their recommendations most rigidly to that part of the law of Scotland which denies relief to able-bodied men. I fully remember that there was one person who protested against that Report; but I beg to inform the House that that person was an English Assistant Poor Law Commissioner. The state of the law in Scotland, or the opinions of any authorities connected with that part of the United Kingdom, however eminent they may be are no reason why the law either there or in England should be uniformly administered with unmitigated strictness. The strict principle is that which the Commissioners laid down, and which has been the law of Scotland ever since the time of Charles II. it is the refusal of relief out of the workhouse to able-bodied men. Now, I do not hesitate to say that that law — as a general rule — ought to be observed. I say it ought not to be evaded, and so do the Commissioners in their Report; and further, I contend that the principle of relief to able-bodied labourers has not been recognized in Scotland, and we are not now prepared to support it in England. The hon. Member for Bridport, however, tells us that an adherence to the principle of giving relief to able-bodied labourers is rendered imperative upon us by the distress which our manufacturing system has created. He tells us that we have created those manufactures and that we must take the consequences of having called them into existence. I deny that general pauperism is the necessary consequence of the spread of manufactures, though I do not deny that our manufacturing system has brought upon us considerable difficulties. It has been followed by a very great increase of our population, especially in Lancashire; but it is in vain now to consider what we ought to do if we were dealing with a population less dense. There is no practical advantage to be derived from now asking ourselves what we should do if we were placed in a totally different state of society from that which we now occupy; and it appears to me that it would at present be utterly fruitless to institute any inquiry into the degree of happiness which we might enjoy if a former state of society had been continued to the present time; but it may not be altogether unprofitable to remember this—that an increase of population scarcely ever fails to be followed by diminished means of subsistence, or, in other words, by increased poverty; the House, however, will not, upon such a ground, reject a measure like the present which is intended to provide for the better relief of the poor. The remedies which it offers are the best that under the circumstances we are able to apply; and having applied those remedies I am quite ready to acknowledge that everything should be done to increase the means of production, which are also the means of useful industry and profitable employment. [*Cheers.*] Yes, notwithstanding that cheer, I am quite ready to repeat, that we are most anxious to increase the means of production, though not perhaps in the precise manner which the hon. Members who cheered would desire that we should proceed. We may differ as to the means, but I am sure there can be no difference of opinion as to the end. Of the fact that there has been for a long time a progressive increase in numbers and in production there cannot be a shadow of doubt;

and, however much we may deplore the evils of the manufacturing system, we must not forget that we have established great powers of machinery, and great skill in the useful arts of life; and it now forms no part of our duty to waste time in vain lamentations. Onwards we must proceed, and anything fatal to our manufactures would be the greatest blow that our dense population could sustain. I do not overlook the fact that I have been taunted with an inconsistency between these sentiments and those which I formerly held upon the subject of the currency. To that I shall only reply, that in the year 1819 we recurred to our ancient system by adopting gold as the standard after the use of an inconvertible paper currency for more than twenty years. Whether, at that time, such a return to that ancient system was a public injury or otherwise, forms a question not now before the House. It was an act deliberately done by the Legislature and Government of the country with general concurrence and in full force it has remained for a quarter of a century —it must now stand; for to alter it would be to nullify all the transactions which have taken place from that time to this. Any departure from it would shake the foundations of our prosperity and would endanger our pre-eminence as a commercial and manufacturing community. That commerce which we enjoy, and those manufactures in which we so much excel every other nation, we must do all in our power to preserve — nay, to cherish — an opposite course of legislation would be madness leading to destruction. There are many Clauses in the present Bill calculated to mitigate the severity of the present Poor Law; in that spirit of progressive amelioration, I call upon the House to proceed; and I hope the House will agree to these important alterations of a mitigating character which I propose we should now enact. As to the Resolution that has been moved, I do think that nothing could be more unwise than to affirm anything of the sort at this period of the Session. I say not merely at this period of the Session, but at any period of the Session, it would be most unwise to agree to a resolution declaring a Statute to be unconstitutional and oppressive when that Statute constitutes the only claim of the poor to relief, which the law now recognizes. I hope, then, you will agree with me that it is prudent not to condemn but to revise that Statute with a view to introduce such amendments as circumstances render safe, expedient, and humane.

Mr. *Stewart Wortley* said, that if the Resolution now before the House had been differently worded he perhaps should have had not much difficulty in voting for it; but, whatever modification ought to be effected in the law he objected to the wording of the Resolution. He would not consent to pronounce any act unconstitutional which had been maintained and sanctioned by repeated votes of Parliament. Besides that, in other respects the wording of the Resolution was vague and unintelligible. The Bill invested the Commissioners with strong and extraordinary powers: but it did not necessarily follow that such powers were unconstitutional. The Resolution was either a truism or it went beyond the truth. There was no occasion for a vote of the House to that effect. He should have no objection to support the hon. Member for Evesham, if that hon. Gentleman moved a resolution to the effect that the Poor Law Amendment Act was unsound in principle and oppressive in its operation; for in many respects it was oppressive in its operation, as well as unsound in its principle. He repeated that it was oppressive in its operation, for this among other reasons,— that it was not properly or fairly carried out. At the time the Bill of 1834 was introduced, Lord Althorp said,

> "It certainly will not be a part of the duty of the Commissioners to include all the parishes of this country in unions."

The same noble Lord further said,

> "The very object of an alteration made by myself, and not previously suggested by any hon. Member in this House, of giving a discretion to the Commissioners to dispense with the change in places where it may be desirable that it should not be carried into effect, is to enable the Bill to be carried into operation without the possibility of any such result as collision."

That was the description which was given of the Act by Lord Althorp, who assured the Parliament and the country that the system which it founded should not be forced upon the country, unless it was the desire of the people that it should be acted on. At the time of the passing of the Act it was objected to it, that if the discretion were vested in the Commissioners of mixing up parishes into unions, they might be apt to place too many together, and to make the unions too large. That objection against the Bill was urged in the House of Lords in 1834, and Lord

Brougham, then the Chancellor of England, who defended the Bill, said,—

> "There never was such a bugbear conjured up to fright men's minds, as to suppose that the parishes of a whole county are to be united, and that all the paupers of large districts, whether agricultural or manufacturing, are to be brought together and to be placed in one immense prison. If the Commissioners be not absolutely deranged, they will never attempt anything of the kind. The sole object of this clause is to put a convenient number of parishes together, probably some six or seven, for the purpose of having a common workhouse, and of managing it economically."

That was the language of the noble Lord who had the conduct of the Bill in the House of Lords, and whose language, in his (Mr. Wortley's) opinion, should surely be taken as an authority upon the nature of the provisions in the Bill. Let the House look, however, for a moment to the positive result and to the actual workings and execution of the plan after those assurances, and after the power had been invested in the hands of the Commissioners. Instead of six or seven parishes being united into an union, he found that some unions contained fifty-four parishes, others seventy, some fifty-two, some sixty, some eighty-six, and so on! Did the country ever expect, after the assurances of Lord Brougham, that the Commissioners would exercise their discretion in such a mode as that? He might occupy the House for a long period in detailing such cases, but he was not willing to weary them with such details. He would observe, however, that there were no less than forty-five Poor Law unions the area of each one of which exceeded the whole of the county of Rutland. There were thirty-six unions larger than the county of Westmoreland or Huntingdon, two larger than the county of Monmouth, and one larger than the whole county of Northampton. He should really be very glad to know on what principle either of equity, of sense, or of justice, this system had been adopted by the Commissioners. He could, if it were necessary, multiply cases. He would refer, however, to the union of Huddersfield, a place with which he was well acquainted, and which was a very important manufacturing district. That union contained thirty-four parishes, comprised 68,000 acres, and no less than 107,000 inhabitants. He asked if it was fair to have such immense unions as these? How was it possible that the guardians, however willing or anxious they might be to do their duty, could, under such circumstances, administer the affairs of such a union to the satisfaction of the inhabitants? It was quite impossible; and he could inform the House that the affairs were not administered to the satisfaction of the inhabitants—there was a great and growing discontent springing up in those districts, which was to be attributed, as he maintained, to the means adopted for forcing this measure upon the inhabitants. Then take the case of the Manchester union. One would have thought that the parish of Manchester was large enough of itself to admit of any convenient management of Poor Law affairs; but it would seem that it was not considered so, for eleven other parishes had been associated with it, and the twelve formed one union, comprising upwards of 12,000 acres, and containing nearly 200,000 inhabitants. These were circumstances which, in his opinion, gave rise, and justly gave rise, to discontent in those parts of the country. He spoke now of the north, and of the north only, because he did not presume to be acquainted with the operation of the Act in other parts of the country; but he must say that he did conceive the Act to be exceedingly ill-adapted to those districts of which he spoke. Upon this point of altering the size of unions he would beg to read to the House an extract from the Report of a Committee which was presented to Lord Normanby in 1840. That extract stated,

> "In all cases where it may be thought proper to alter the size of the union, the Committee recommend that especial consideration be had to the easy access of the poor, and to the good attendance of the guardians at the board; those conditions being in their opinion of essential and paramount importance."

And no doubt they were of essential and paramount importance. It was a gross injustice inflicted on the poor man to compel him, in addition to all the anxiety and trouble which he had to undergo, to make long journeys before he could make his application to the board; and it was at the same time no slight hardship upon the guardians. He must say that he was surprised to find people in their station of life setting themselves to work so sedulously to perform their very laborious duties, with which they certainly had no right to be saddled. In another place he found Sir J. Walsham, one of the Assistant Poor Law Commissioners, complaining of the enormous size of some of the unions in the North of England, and very justly complaining. Let them look, for example, at the union of Hexham, consisting of seventy parishes, containing 202,000 acres, and 28,000 inhabitants. The same gentleman also referred to the number of guardians for such large and populous unions, and complained that they were not sufficient. With regard to the Motion of his hon. Friend, he (Mr. Wortley) would recommend him, for the reasons which he had already stated, to withdraw the word "unconstitutional."

Lord *J. Russell*: I think the House is indebted to the hon. Gentleman the Member for Evesham (Mr. Borthwick), who brought forward this Motion, and I therefore entirely differ from the hon. Gentleman who has just sat down. The complaint of the public which has been raised is, that the law is unconstitutional in principle and oppressive in operation. That is a common feeling, and if the law really be so, let us at once proceed to reconstruct that law; but if we be not persuaded of the truth of that sentiment let us put a negative upon the Motion of the hon. Gentleman. It seems to me that there cannot be a fairer question brought before the House than that which the hon. Gentleman has moved. The hon. Gentleman the Member for the West Riding surprised me not a little by his going chiefly into one particular matter of detail, and by his stating that he had never proposed a repeal of this law. I thought I had read a printed placard of the hon. Gentleman's prepared when he was addressing the persons whom he sought to represent, stating that he was for a modification—an alteration, or if necessary, the repeal of the New Poor Law. [Mr. *S. Wortley*: "Never."] My memory may deceive me, but I certainly have read an address of that hon. Gentleman, in which I thought that very word "repeal" came in. I am sure I have read what were reported to be speeches of the hon. Gentleman protesting against the whole of the law. Now, it appears that the hon. Gentleman's chief complaint is that some of the unions are too large. Why, that is a matter not prescribed by the law. There is no particular clause which says that a union shall contain 100,000 or 200,000 persons, or that any one shall be as large as the whole county of Rutland, or anything of that sort. But if the hon. Gentleman thinks that the Commissioners have too unlimited a power in this respect it is quite competent for him to move a clause in Committee, by which he may limit the powers of the Commissioners, and restrict the size of the unions now existing. That, however, is entirely a matter of detail; it is very different from the complaints which have been made in the country, and which I think have been echoed by the hon. Gentleman when indeed he was not a Member of this House, but when he was addressing from the hustings those whom he desired to represent. The right hon. Gentleman the Secretary for the Home Department has, I think, answered much that fell from the hon. Member for Evesham. I must say, that in my opinion, there has been a great deal too much of vague assertion and of professions that persons were ready to oppose this law as oppressive and unconstitutional, without stating in what manner it was so. There is nothing more common than for people to declaim against what they call that "most oppressive, most inhuman, and unchristian part of the law which directs the separation of man and wife." Now, it happens in the first place, that there is no such clause in the law, and it happens, in the next place, that in the case of a large workhouse such a separation is necessary for mere decency, and that the practice was observed long antecedent to the passing of the New Poor Law. I remember that some persons came to me from the parish of St. Pancras, when I filled the situation which the right hon. Gentleman the Secretary of State for the Home Department now occupies, and that they complained of a part of the New Poor Law. I said—"You have a large workhouse, have you not?" They said—"Yes, we have, a very large one, and a great many people in it." "Do you separate man and wife?" "To be sure we do," was their reply, "we could never have any decent arrangements in the House if we did not." Yet Gentlemen talk of altering the New Poor Law—"especially that un-Christian and inhuman part which separates man and wife." That is just a specimen of the way in which people speak of the enactments of the New Poor Law. The hon. Gentleman the Member for Evesham really talks as if we had been living under a perfectly happy state of things from the time of Elizabeth down to the passing of the new law, and he spoke as if he were surprised that Lord Grey's Government, and that Lord Brougham in particular, should endeavour to disturb that which for a period of 300 years had caused so much happiness and comfort. I think it has been shown by the right hon. Baronet that there were continual complaints made of the law of Elizabeth until it was repealed. For my own part, I think, with regard to that law, that it was a very wise law, suited to the time for which it was enacted, and to the state of society as it then existed, although it did not contemplate—as it could not contemplate—what might be the state of society a century or two afterwards. The law of Elizabeth enacted, first, that the children of poor persons who objected to maintain them, and, secondly, that adult persons, married or unmarried, should be set to work at flax, iron, hemp work, and so on. I don't think that law would have been framed exactly in the same way if the mechanical inventions of the present day had existed then. The object of the law was to have even compulsory industry rather than to allow the vagrancy and idleness then existing to continue. But when the hon. Gentleman speaks of the exceeding humanity and liberality of Elizabeth's time, I think he has not looked so completely as he should have looked into the laws of those days, because I find, in looking at a part of those laws that, society having emerged from a [disorderly and irregular state, there being many persons about the country with whom war or robbery had been almost a trade, whilst civilization and industry were making increased progress from day to day—it was the object of the then legislature to reduce the idle and unruly to a state of order and propriety, and to effect that as it appears to me they certainly took no very mild or merciful means. An Act passed in the 39th of Elizabeth, entitled "An Act for the Relief of the Poor," which, though only a temporary Act, was passed for the same purpose and was based on the same principles, as the 43rd Eliz., to which the hon. Gentleman referred, enacts—

> "That from the 1st day of November next ensuing the end of this Session of Parliament no person or persons whatever shall go wandering abroad and beg in any place whatsoever, by license or without, upon pain, to be esteemed, taken, and punished as a rogue."

The 4th chapter of the same year of Elizabeth is an Act for the punishment of rogues, vagabonds, and sturdy beggars, and there he found "Testimonial for the punishment of a rogue."—"A rogue conveyed to the House of Correction or to the gaol"—"A rogue banished the realm or adjudged to the gallies," and so on—so that the fact was, that persons who were found begging, either with licence or without, were liable to be accounted as rogues, and sent to the house of correction or to the gallies. There is a former Act with respect to vagabonds, passed in the 14th of Elizabeth, and entitled, "An Act for the Punishment of Vagabonds and for the Relief of the Poor and Impotent." which enacts that

> "A vagabond above the age of fourteen years shall be adjudged to be grievously whipped and burned through the gristle of the right ear with a hot iron of the compass of an inch, unless some credible person will take him into service for a year; and if, being of the age of eighteen years, he after do fall again into a roguish life, he shall suffer death as a felon, unless some credible person will take him into servic for two years; and if he fall a third time into a roguish life, he shall be adjudged as a felon."

One hon. Gentleman, in speaking upon this subject, talked very much of "a Catholic spirit." I do not know what he meant by that, but I should think that the Acts of Elizabeth were passed in a very Protestant spirit. However, the hon. Member said, that these laws were framed in a Catholic spirit, and in a spirit of generosity towards the individuals to whom they applied. I have given a specimen of their generous spirit, and, I must say, that I never heard that any cold calculating political economists of the present day proposed that a hot iron should be passed through the gristle of a vagabond's ear, or that an individual should be adjudged to death as a felon for having fallen three times into a vagabond life. These severities may, perhaps, have been necessary at the time, or suited to the spirit of the age, but I do not think that the laws of those days had so much advantage over the present laws as the hon. Gentleman supposes, in point of humanity and liberality. Those laws, framed, as I believe they were, quite as much for the purpose of preventing and punishing vagabondism, and putting an end to mendicancy, as of relieving the poor, gradually brought the vagabond population into a state of civilization, and promoted the wealth of the country. In this respect they were most useful; but from time to time abuses crept up; and the laws of Elizabeth, however well framed for their time, were inapplicable to following times.

It has been shewn that in the time of Charles II. it was found necessary to revise and alter those laws, and Judge Blackstone complained of the alterations as the source of subsequent evils. Long before the eighteenth century a necessity was felt for revising these laws, as is evident from the reports of the times, and from Bishop Burnet's History. In the reigns of William and Anne complaints were made of the inefficiency of the laws relating to the poor, and in the middle of the last century there were applications to Parliament for their reform. In 1796 Mr. Pitt passed that law which the hon. Gentleman has commended, but which I think was the cause of many of the evils we afterwards suffered. Did that law meet with general approbation? So far from it, that we were no sooner relieved from the perils of war than Committees of this House were appointed on the subject, and one of these, presided over by Mr. Sturges Bourne, made an elaborate Report, showing the evils which had flowed from the practice then prevailing. So far, then, from the law being in that happy state which the hon. Gentleman supposed, various plans for its amendment were proposed; but the evil grew greater and greater, until in 1830, that law, which the hon. Gentleman seems to think was to provide comfortable subsistence for everybody, had reduced numbers of the people to such a situation that they broke out in almost open insurrection; tumults were common in the country, houses and barns were set fire to, machines were broken and the yeomanry in many places were obliged to be called out in order to put down the insurrectionary movements of people complaining that they had not a sufficiency of wages or of the necessaries of life. I remember passing through Andover at a time when the magistrates were assembled in the Court-house. The people had also collected in large numbers, armed with every sort of instrument, complaining that they were not able to subsist on their wages, and they had congregated together in order to force the magistrates to comply with their demands. Such was the state of the law and such the inevitable result of the way in which it was carried out; for, instead of the labourers receiving wages which were the due reward of their industry, it was previously settled by the orders of magistrates and others, that a certain allowance should be given according to what they supposed to be the need of the labourers, and the need of the families belonging to them. Thus, if a labourer had an increase of family, he obtained an increase of allowance; and a lad of eighteen or nineteen years of age, who was able to work, and who did work hard for his wages, obtained a miserable pittance, some 6*d*. a day, while another man, living in idleness, received, because he had a family, 15*s*. or 16*s*. a week. This was according to the allowance system; and what was the consequence? Why, that the labourers, being thus limited as to their wages, became discontented, and broke out against those who, they thought had the power of regulating their wages, and had not given them sufficient. It consequently became necessary to consider some great amendment of the law, and Lord Grey's Government undertook that task—a more difficult or more invidious task could not well have been undertaken. Nothing is more easy than to say, that all which had been thus given to the people was charity—that it was all benevolence; and that, in forcing them to rely on wages due to their labour, you are defrauding them of that which they have hitherto enjoyed: but the case, I think, is quite otherwise. It was a degradation to the people to force them to live on charity, by giving them a parish allowance instead of wages. This was reducing the people to a state of pauperism —to a state, I should say, of almost slavery, and any law which raised them again to a state of independent labour was likely to prove in the end a blessing to the country. No doubt, the new law had to contend with difficulties in its operation, and had great trials to go through, in order to effect that state of things in which the labourer should receive a proper reward for his labour. I lament that the law has not operated as speedily as I expected in increasing the wages of labour. Indeed, the reason which made me eager for the law was, because I thought its tendency would be to lead to an increase of wages and an augmentation of the comforts of the labourers, and that it would at all events prevent the downward tendency observable in agricultural counties. I have seen accounts of some unions which show, that whereas in 1832 and 1833 there were thirty or forty labourers in them out of employ, and, therefore, on the parish rates, in the last year and the year before almost every labourer in those unions has been employed. So far, I think, the law has produced a great benefit. The principle of the law is to get rid of that mixture of allowance and wages, which formerly existed—to give relief in cases of destitution, but to leave those who are employed to wages. I think this is a sound principle, and I should be sorry if this House departs from it. My conviction is, that if in attempting, as you suppose, to alleviate those parts of the law which you consider harsh, you should break in upon the principle I have just adverted to, you would come back to the practice existing in 1830, and reproduce the same discontent, and the same degradations of the labouring poor as then prevailed; and among the other evils of this state of things is, that it has a tendency to destroy the whole property of the country. I have said nothing about economy in respect to the new law, because that is a minor consideration. The real evil of the former law was, that it reduced the labouring population, who have just as much right to remuneration for their labour as the landlord has to his rent, or the manufacturer to his profits, to paupers living on alms, and gave an undue advantage to the idle vagabond, who did not choose to work, but who, on account of his family, received an ample allowance from the parish board. Such is the difference between the old law and the new law. This is a most important question, and I am sorry that its consideration has been put off to so late a period of the Session. I own I have wondered at the levity with which some Gentlemen have pledged themselves against the new law and professed their readiness to amend it, while they are themselves ignorant of its provisions, and of the former state of the law. If this new law is a bad law there can be no worse law on the Statute Book, and if it effects what its opponents say it effects, there ought to be no time lost in repealing it, and the time of the House could not be better occupied than in reconstructing the whole law. The welfare, the happiness, and the independence of a great majority of the people of this country, who belong to the labouring classes, ought to be more dear to us than any other question. On the other hand, if the hon. Gentleman opposite is wrong, as I believe he is, in his views of this law—if this law is calculated to raise the labourer and benefit him—we should then be equally resolute in sustaining it, and equally resolute in refusing every alteration or limitation of the law which counteracts or destroys its principle. I am glad to find that the right hon. the Home Secretary means to continue, in giving, as he hitherto has done, his steady support to this law. There are some clauses in his Bill which the right hon. Baronet thinks an alleviation of the present. This is not the time to speak as to particular clauses; they may be advantageous; but at any rate I find in them no departure from the great and sound principles of the law itself. I rejoice therefore, at the course which the Government has taken, and, in the progress of the Committee, I trust they will not find the obstacles I had to meet. I know, indeed, that, to a certain extent, they will not, because some of those who were most obstinate and pertinacious in forcing amendments on me now hold office under Government. Those parties, therefore, are not likely to start the objections now, which they formerly urged. As to the right hon. Baronet the Home Secretary, and the right hon. Baronet at the head of the Government, I must say that they have constantly and consistently, whether in office or out of office, supported the new Poor Law. The right hon. Baronet the Home Secretary was in office at the time of its enactment, and the right hon. Baronet at the head of the Government, though out of office at the time, had always consistently supported the New Poor Law. Therefore no one could expect that those two right hon. Baronets would depart from the course they have hitherto pursued in support of the present law. I am glad to find that they mean to persevere in the same course, and maintain the law, and I shall give a cordial vote in favour of the original Motion.

Sir *W. James* said, that the right hon. Baronet the Home Secretary had offered to prove cases in which out-door relief had been given. This was an extraordinary argument to use in favour of the law, which went on the principle of the workhouse test. It was a virtual abandonment of the workhouse test. He considered the workhouse test to be a harsh principle, one not to be defended upon any ground of truth, justice, wisdom or humanity. It said to the labourer—you have a right to relief, but we will accompany the granting of that relief with so many obstacles that you will be glad to relinquish it. The workhouse system had been sifted and condemned by all the most eminent among those who had written and spoken on the subject of the Poor Laws. Mr. Whitbread condemned it. The Bishop of Llandaff also condemned it. He said of it that it would never answer, however wise might be the regulation made to enforce it. Sir Frederick Eden, a great authority, showed that although it had been brought forward at the end of the seventeenth century, and tried for a short time, it soon failed. They were told that the present law corrected the mal-administration which prevailed under the law of Elizabeth. He doubted this. He doubted very much whether mal-administration did not exist to the same extent under the present law. The great evil of the present law was the check it imposed on private charity. He felt bound to oppose the present law, because it was repressive of private charity.

Captain *Pechell* was bound to say that the right hon. Baronet had very courteously received those persons who were deputed in the first instance from the several places which felt aggrieved by the measure. As far as the alterations which had been made went he had very little to offer upon them; but there were still certain Clauses in the Bill which, unless the right hon. Baronet would give an assurance that in some future stage of the Bill they would be modified, would render it his duty still to oppose the measure. He referred particularly to the interference of the Commissioners in places which had local acts. He felt bound to adopt every possible course to repress the power of the Poor-Law Commissioners. Their conduct had been such, and their reports contained so much insinuation and so much exaggeration, that it was impossible to tolerate their interference any longer. When the hon. Member for Evesham called on those who agreed with him to support his Motion, although the hon. Member might very naturally expect a great many defaulters from his standard, he advised the hon. Member to look to those hon. Gentlemen on his own side who were so very earnest in their denunciation of the Poor Law, when on their canvass at the last general election. He would advise him to begin with the hon. Baronet who was candidate for Greenwich, whose electioneering flags were so strong against the Poor Law, and said so much about the bastiles; and proceed on to the noble Lord the Member for Monmouth, and the right hon. Baronet the Member for Kent, and the hon. Member for Lincoln. They were told by the noble Lord the Member for London of the danger of granting concessions from the principle of the measure, and of giving discretionary powers to the guardians to mitigate its horrors. He called on the noble Lord to look at the way the poor were provided for in those places which were governed by local acts. Let him look at the manner in which the poor were relieved in those places, relieved, too, out of the workhouse; and even the noble Lord must then admit that there was no necessity for such hardships and tests as were insisted upon by the supporters of the Poor Law. In those districts it had been shown that it was possible to maintain the poor without shutting them up in the workhouse. He felt that the best way in which he could discharge his duty to those who had sent him to that House would be to vote for the Amendment of the hon. Member for Evesham.

Mr. *S. Crawford* had no wish to trespass unnecessarily on the time of the House, but he felt it his duty, as one of the representatives of England, to express his sentiments on this Bill. He protested against the call which had been made upon the hon. Member for Evesham to alter the terms of his Resolution, and he was prepared to stand by him in retaining those terms. The resolution stated that this law was unconstitutional, "that the Act 4th and 5th William IV., c. 76, commonly called the New Poor Law, is unconstitutional in principle and oppressive in operation." He was ready to support those words. He maintained that the powers which were given to the Commissioners by that Act were in every way unconstitutional. A body of guardians having been constituted for the various unions, powers were given to the Commissioners to control and upset their decisions in the most unconstitutional manner. Powers were given to them to make laws which that House only ought to make. The defenders of the Poor Law had proved the unconstitutional character of it; for, when the law was assailed, they confessed that it was not the law of the land, but the law of the Commissioners, thereby showing that an unconstitutional power had been vested in the hands of the Commissioners. It was a great question now before the House and the Government,—what was to be done with the working classes? What was it led to the foundation of the Poor Law of Elizabeth but this,—that the poor were driven from the land, expelled from the occupancy of the land, and thrown upon the wages of their labour, and, consequently, the Poor Law passed, which was to provide the means of sustenance for them when in want? Then, was it just to deprive them of that which in a manner had become their vested right, without putting them in a condition in other respects to sustain themselves? The poor man was put under every disadvantage, and yet by the principle of the New Poor Law its supporters said that poverty was a crime, and that it was the poor man's own fault if he was in distress, and therefore they instituted the terrors of the workhouse to prevent him from seeking relief. The great principle of the New Poor Law was the workhouse test, to terrify the poor man from seeking relief until he came to the lowest stage of destitution. The right hon. Gentleman said it was not the law that a man should be obliged to sell his property before he asked relief. It was not; but the workhouse test compelled the poor man to do so. He would not resort to the workhouse until everything he had was sold or gone, and he was reduced to a state of starvation. That this was the view which the Poor Law Commissioners took was very strongly proved by the language they used in their tenth annual report with regard to the Irish Poor Law. The Commissioners first stated, in page 40, that they had reason to believe that the Irish Poor Law was operating most beneficially. But what were the proofs of that? They went on to state, then, that in order to have certain evidence of the character of the persons relieved, they had ordered returns, from which they gave extracts, showing that a number of persons in the last stages of disease and want, most of whom were so wretched that they died soon after admission into the workhouse, had been relieved; but those persons would not have been relieved unless they had entered the workhouse, nor would they have been received until they were reduced to that state of want and misery which rendered it impossible for them to avoid it. Then the Commissioners attempted to show the superiority of the Irish Poor Law because it produced this sort of distress, because it relieved a greater number of persons in the last state of destitution than the English Poor Law, in proportion to the population of the two countries. That showed the view of the Commissioners—that showed that relief was not to be given until the last stage of destitution. Then there was a paragraph in the original Report of the Commissioners, from which it was clear that they intended the new workhouses to inspire the poor with terror, so as to prevent them from seeking relief. That was the principle of the New Poor Law. While, then, the supporters of the new law repealed the principle of the old one they did nothing for the poor. In former times the rich paid the taxes; now they were paid by the poor. The Corn Laws had been maintained and the price of food kept up; and then they said to the poor man, "Why are you in distress? why don't you take care of yourself?" while all the while the price of provisions was kept up. By enclosure Bills the common lands had been taken away from the poor man, and continually he was driven off from spots where he had rights and immunities. Then the vagrant laws were most cruel. Having put the cruel workhouse test upon the poor man, they then told him by the vagrant laws that he should not ask alms. If he did so, then he must submit to the horrors of a gaol. Was that fair to the working classes? Was it not most cruel and inhuman? Very lately there had been brought before the House the use which was made of the present Poor Law system in the granting of tickets. That had not been denied. What was the object? The reduction of wages. He must say that the House was deeply indebted to that publication which had brought forward facts in relation to this subject before the public in a manner which rendered them most valuable and important. The largeness of the unions was another evil of the present system. It was not a part of the Act; but it proved that the Commissioners should not have had power to do what the Legislature never intended should be done. The Legislature should give the working man the means of obtaining wages for his industry, that he might spend them in his own land and live upon his native soil. If something were not done the House might expect nothing but outrage and lawless violence, as was the case in the reign of

Henry VIII., previous to the Poor Law of Elizabeth being passed. The right hon. the Secretary for the Home Department deprecated the confinement of relief to the workhouse, and denied that that was the object of the Legislature. Then, why did he maintain that principle in Ireland absolutely and solely? If relief should not be confined to the inside of the walls in England, why should it be in Ireland? There the law was so stringent that the Commissioners themselves had no power to grant relief in any single case out of the walls of the workhouse. That was acknowledged to be an unjust law in England—why should it be considered a just one in Ireland? Was not that a proof of what was the original intention of the promoters of the English Poor Law, the very persons who promoted the Irish Poor Law, which was absolutely opposed to all relief without the walls of the workhouse? He anxiously implored the House to consider this matter seriously; to consider what was to be done to improve the condition of the working classes. No matter whether by a Poor Law or by any other mode, but some mode must be adopted to bring the working classes out of the miserable and pitiable condition in which they were at present placed, great bodies of them being in want of employment, and incapable of getting it; and yet they were in that condition that they could not obtain relief without descending to degradation and miserable resources unbecoming a free man and a subject of the Crown of England. He thought it his duty to state his feelings on this subject, and to say that he cordially supported the Resolution of the hon. Member for Evesham, which declared the Poor Law to be "unconstitutional in principle, and oppressive in operation."

Viscount *Sandon* was exceedingly glad to hear the disclaimer, that the principle of the New Poor Law was the workhouse test. Although it came late, he repeated that he was glad to hear it; but it certainly was not the language held in the earlier discussions in that House upon the subject. We had to thank the strong expression of public feeling upon its operation for this result. And here he felt that he could not avoid paying a tribute of gratitude to one great public journal, which (though he disagreed with it on some important points) had rendered vast service on this question. Its language might occasionally have been inflammatory; but he felt confident that had there been no such influential organ of public opinion, boldly representing, and constantly, vigorously, energetically, urging the evils of the new system of Poor Laws, there would not have been that change which had tardily been conceded; and the present measure would not have been proposed which embodied some of the Amendments that had been perseveringly advocated by that journal. The different opinions he entertained in relation to that paper on many subjects, would, he was sure, exempt him from the suspicion of partiality in paying this tribute, though he perhaps might expect it would expose him to some odium among those who were indisposed to acknowledge any merit in a public journal. There was the most convincing evidence, that the workhouse test was unfit to be applied to the condition of a country like ours. The right hon. Baronet had alluded to the Report of the Commissioners of Poor Law Inquiry in Scotland in terms of just praise. And from that Report he would extract a decisive denunciation of that test.

"The distinguishing principle of this system is, that its efficacy as a test of destitution or stimulus to industry depends upon the restraint it imposes upon personal liberty. In proportion as the regulations of the workhouse cease to be irksome, the operation of the test is obstructed. The discipline of the gaol must be approached by the discipline of the workhouse, which is of a purely mechanical character, appealing only to the lowest principles of our nature. It did not promote the development of any intellectual energy, neither did it foster feelings of manliness and independence. Its influence dries up the last impulses of social life. It destroys all feelings of self-respect and alienates the inmates from almost every sympathy which either in equals or superiors is inherent in rightly constituted natures. Repulsion and discomfort being the sole means by which this workhouse test works —that repulsion and discomfort must be carefully kept up for its operation."

Here was a description of the "workhouse test," written, not by popular writers, but by calm, learned, able investigators, among whom were men like Lord Melville and Mr. Home Drummond. And he believed every word of it. The system was worked only by mechanical means; and it had begotten those feelings of irritation, and that sense of harshness in the people, of which such unhappy symptoms were not wanting. The evils of the old system were of course industriously detailed, and none would defend them; but they had all been reproduced under the new law. Had wages been raised by that new law? He defied any man to say they had; let the instance be pointed out. True, cotemporaneously with its first enactment, there had been the extraordinary stimulus of railway speculations, which produced some temporary effect on labour, but permanently, wages had been left where they were; while discontent, resulting from the operation of the Poor Law and from distress, had produced its terrible consequences —fires. It was one of the favourite doctrines of the new law, that destitution, alone was to be regarded in administering relief; that there should be no discrimination as to character. What said the Commissioners, whose Report he had just quoted, and far more truly?—

> "We hold that no just system of Poor Laws can exist, excluding, in the distribution of relief, the consideration of character—which should be a fundamental consideration. The man who has conducted himself with activity and industry for the bettering of his condition, and has only fallen through misfortune, not by fault, has a just title to the sympathy of his fellow-men. And not only that the necessary relief be cheerfully accorded, but full scope given for all the ministrations of charity to his comfort."

How, with such testimony on record, —the testimony of men so considerate—of all men the least open to the suspicion of being influenced by popular prejudices—the chosen and the lauded Commissioners of his noble Friend, the Secretary for the Colonies—with such testimony, how could those who opposed parts of the new law be properly, with decency, subjected to the reproach of pandering to popular passions and prejudices—the accusation which was so unfairly applied to them? The size of the unions, it could not be denied, was another great practical grievance to the poor. He felt, however, the difficulty of a summary and sweeping condemnation of the present law without any substitute for it; and therefore he could not assent to the proposition of the hon. Member for Evesham. He preferred trusting to the processes of improvement—through public opinion—in which so much progress had been made; and he relied on public opinion also to control the practical administration of the law.

Mr. *Wakley* was grateful for the speech of the noble Lord, who had unfortunately, however, withheld his vote, but whose speech was, nevertheless, highly valuable, particularly as coming from the noble Lord. The noble Lord stood out certainly in bold relief as a consistent man upon this subject, a strong contrast to many of those who were associated with the noble Lord's party, and who had owed their elections to their opposition to the law. This consistency was a valuable commodity, and had not been without its use to the Home Secretary, who had been persevering in preserving the law, but had presented it perpetually under new phases. And as to the "principle" of the law, why it appeared like so-called "Ministerial responsibility" —anything or everything, or nothing, or whatever was convenient. The workhouse was once declared to be the intended test, and nothing but it. Yet the Home Secretary now boasted of the number relieved out of doors, and spoke of six-sevenths, or five-sixths, or seven-eighths, as the proportion. Well, then, the "principle" of the test was gone. And if so, why were the expenses of the Commissioners to be kept up? Why were the union-houses, the prisons, the places of torture, to be kept up? The law was established for the purpose of creating that torturing test, and maintaining the principle that guardians had no right in granting relief to take character into account as an ingredient. The noble Lord had pertinaciously insisted on that principle. He said that a board of guardians, or any parties administering relief, ought not to inquire into the character of the party applying, nor into what caused the destitution; the only thing to be looked to was the destitution itself, and then relief was to be afforded, provided that was satisfactorily shown. The excellent remarks of the Scotch Commissioners on that part had been read, and the Home Secretary had commended that Report throughout; but he thought the right hon. Gentleman had not read the whole Report. It was a curious thing, that the right hon. Gentleman, in his able, clever, and methodical speech, addressed to the House in such measured accents—it was a curious thing, he said, that in only one part of the speech did the right hon. Gentleman deviate from his usual tone and speak with unusual emphasis, and that was in reference to that portion of the Report in which the Commissioners stated, that in their opinion, there ought to be no relief provided for able-bodied labourers. Now, that was carrying out the old principle, for it was admitted that it was established with the view of preventing any Poor Law being long in existence.

It was considered at that time necessary, first of all, to get rid of out-door relief, to apply the workhouse test—the workhouse torture, he always called it—and in the course of time, it was hoped, they would get rid of the Poor Law altogether. Did the right hon. Gentleman still maintain that opinion? Did he still maintain that no relief ought to be given to able-bodied labourers? Now, it was curious that the right hon. Baronet laid such emphasis on that part of his speech, because he lauded the Report which was made to that House by Mr. Gilbert's Committee in 1765. He lauded that Report, and said it was in conformity with the principle of the New Poor Law. He begged to say that two principles more opposite did not exist; there were not two practices more opposite than the practice which ought to be adopted under the Gilbert Act, and the practice which was adopted under the New Poor Law. The principle of the New Poor Law was, that no ablebodied man should receive relief, and that the workhouse test should be applied. What was the provision of the Gilbert Act? There was a distinct provision in that Act—that to any poor man applying for relief the guardian should give work, and near his own home. That was the principle of the Gilbert Act—one that was totally unlike the principle of the New Poor Law. He confessed he had no hope of seeing this law repealed; it was impossible; he looked on it with despair. He was quite sure it would not be repealed by a spontaneous Act on the part of that House. The two great leading parties were with it; the noble Lord on his side of the House lauded the consistency of the First Lord of the Treasury and the Home Secretary; and they, in return, lauded the noble Lord for his consistency in maintaining it, when out of office. There was thus no chance of seeing its repeal whilst this system of laudation continued, for it was only now and then, when they got a peep behind the scenes, that they witnessed any squabble between them. He must say he deplored the determination of the two leading parties with reference to the maintenance of this law. He was convinced by his experience every day that they did not know what they were doing, they did not know the dangerous state of things which existed in this country. The noble Lord stated—and he was surprised to hear such a statement—that if he were convinced the Poor Law was a bad law he should vote for its repeal. He should like to know how the noble Lord would be convinced, what premises must be set before him, and what conclusions by experienced men would convince him. Would the noble Lord apply to paupers? He would not, he said, then, let him take the testimony of labouring men—men who had not applied to the parish for relief, but who knew that one day or other they would be under the necessity of applying to the workhouse. What was their decision? He told the noble Lord that not one in a hundred were in favour of this law, he was sure millions of the working classes were against it. Three or four hon. Gentlemen on the other side had made motions on the subject, they had stated what their opinions were, and had expressed sentiments of regard towards the working people; but if the working people asked for an increase of power in that House—if the people asked for their friends to be allowed to represent them in that House, would those hon. Gentlemen support them? No, no! And consequently he did not place much reliance on them. He was bound to say it; he did not place much value on the protestations they made with regard to the working classes, when he knew they would not grant them any increased power in the representation. They had talked about charity and humanity; the working people repudiated their humanity—they did not want it, they wanted justice. They did not come to the House in a supplicating, pettifogging manner, and say, "treat us kindly;" but they said, "give us our rights, and treat us justly;" and one of their demands was, that they should not be fettered in the exercise of their industry. The poor said, "If you will give us a chance of getting work by leaving us unfettered in the exercise of our labour, we will maintain ourselves, and you may throw your humanity to the winds." What they wanted was just laws, and if they granted them they would be content, and would not address them with dissatisfaction. As the Poor Law was to be maintained, he regretted the Motion had been submitted to the House. He should vote for the Motion; but it would only create additional discontent out of doors, as well as more difficulties in the administration of the law. The poor thought this law was an act of aggression against them; that it was hostile to their interests, and passed for the benefit of the rich. That was their opinion. He had heard the poor themselves make such statements, and he was sorry to say, that the poison which this Bill had created was diffusing itself throughout the country. He was bound to state—and he would not conceal what he believed to be true—that the rate-payers were now becoming more strict in the administration of the law. The guardians elect were more rigid in enforcing its provisions than the *ex officio* guardians. He was also bound to say that the Poor Law Commissioners, as they had administered the law of late, had given satisfaction in many quarters; and it was now notorious that appeals had been made in many instances from boards of guardians to the Poor Law Commissioners, in order to obtain justice for the poor. He was continually hearing the poor say, that if it were not for the *ex officio* guardians they should get no relief at all. That was the state of things which, he could assure the House, did exist, and he deeply deplored it. The hon. Gentleman said in his Motion that the Poor Law was unconstitutional; it was unconstitutional before it became the law of the land, but now they had passed it, it was part of the Constitution. The hon. Gentleman went on to say that it was expedient the Act should be taken into consideration, not with a view to its partial amendment, but to its entire reconstruction. What did they want to make it again for, if they did not like it now? Could they make a better Act? If he wanted the right hon. Baronet opposite to be remade, he should expect to see a better man.

Sir *J. Graham*, in explanation, said he had cited the Report of the Poor Law Commissioners for Scotland in answer to the hon. Member for Evesham, who had declared that the honest, industrious labourer, was entitled to be fed by the State. He had said that doctrine in England was unsound, but as applied to Great Britain it had at no time been recognised; so far from it, that in the reign of Charles the 2nd, the Poor Law of Scotland had enacted that able-bodied men should in no circumstances of destitution, however extreme, be entitled to relief; and that the seven Scottish gentlemen who had been so much and so deservedly eulogised, had argued strenuously in favour of the maintenance of the law of Scotland, which provided that the able-bodied in the last extremity of destitution should, so far from being fed by the State, have no title to relief,—a recommendation to which the English Poor Law Commissioner had refused to give his assent.

Colonel *Wood* (Brecon) sincerely hoped something would be done to diminish the size of the unions; that it was one of the greatest evils of the present system. It had been asked whether wages had been raised, and whether the state of the poor had improved since the passing of the New Poor Law. Looking to the condition of the poor in every part of the country he contended there had been an improvement. And comparing any well-regulated union workhouse with a parish workhouse under the old system, where the profligate and unfortunate, men, women and children, promiscuously herded together, there could be no doubt great improvements had been effected under the new Bill. What a well regulated union workhouse should provide, was, first, a good school, where the children of the destitute should be properly educated; secondly, comfortable retreats for the aged and infirm; and lastly, wards where the able-bodied could be set to work; that was the system they had endeavoured to carry out in his part of the country. By this means the condition of the poor would be really improved.

Mr. *Brotherton* had invariably opposed the New Poor Law, because, in the first place, he considered it beginning at the wrong end, considering it unjust to throw the poor man on his own resources, and then, by other laws to prevent him from gaining employment, which would enable him to maintain himself and family, In the next place, he thought too much power was given to the Poor Law Commissioners, and he further objected to the extension of unions and the workhouse test, while he always thought the Act would be inoperative in manufacturing districts. These were his chief objections to the law; but now, when the question was, whether they should go into Committee for the amelioration of the law, he could not vote against such a proposition. He agreed with the hon. Member for Finsbury that it would be impossible to repeal the present law: and, if it were possible, he did not see how they could go back to the old system. The right hon. Baronet (Sir James Graham) had shown, that 85 per cent of the relief was administered out of doors, and only 15 per cent. within the walls of the workhouse. That made a most material difference with regard to the operation of the Act; and as his object was to ameliorate the condion of the working classes, however, inconsistent might appear the vote he should give to-night, he hoped he should always have the moral courage to do what he believed to be for the general benefit of society. They ought not to consider it a charity to give the poor man 2*s.* a-week from the parish when they made a law to tax his food to the extent of 4*s.* a-week. He wanted laws passed for the general benefit of the community. The present laws were calculated to make the rich richer and the poor poorer. The hon. Member for Bridport attributed the distress of the poor to the increase of machinery and the manufacturing system. Nothing could be more absurd or more contrary to the fact. The burthens pressing on the labouring classes from general and local taxation, and the whole system of legislation for protecting the landed interest, afforded a much better solution of the difficulty. He should vote for going into Committee with the view of ameliorating the present law as much as possible.

Mr. *Ferrand* moved the adjournment of this debate.

Sir *R. Peel* expressed an anxious hope, that the hon. Member would address to the House that night any observations he might have to make upon the Bill. The Government had proposed to assign that night and the night following to the discussion of this measure, in the hope that it might pass through Committee at once. "Observe," said the right hon. Baronet, "We brought forward the Bill, this Session from a sense of duty, for the Act is not about to expire. We were under no obligation to bring in this Bill, this is no temporary measure; we brought it in to mitigate what you thought a grievance, and in conformity with the opinions of those who are opposed to the Poor Law rather than with the views of its supporters. If a determination is evinced that we shall not proceed with the measure, the only alternative we can have is to drop it, and it is clear that those who are opposed to the law will gain nothing by driving us to pursue that course." Under these circumstances, he hoped the hon. Gentleman would forego his Amendment and allow the principle of the Bill to be discussed that night.

Lord *John Manners*: Sir, if I had not heard the speech of the right hon. Gentleman, I could not have believed it possible that in this House a Prime Minister would get up and say that there was no obligation on him to bring in a Bill to mitigate the rigours of this law—that he only did it to please the opponents of the measure—

Sir *R. Peel*: What I said was, that we were under no obligation, but we brought forward the Bill from a sense of duty. I meant to contrast the obligation we were under in this case with the sort of obligation which arises when an Act of a temporary character requires to be renewed, and when it is absolutely necessary to introduce a measure to continue it in operation; and I observed simply, that in complying with what we considered a sense of duty, we were complying with the wishes of those who are opposed to the law.

Lord *John Manners*: If the Government feel it to be an obligation arising from a "sense of duty," to bring forward such a measure as this, surely they must feel it "an obligation arising from a sense of duty," to persist in carrying it whether its discussion extend over two nights or two weeks. I cannot conceive how the right hon. Baronet can, "consistently with his sense of duty," talk of giving up a measure of this consequence, merely because we ask for a single adjournment of a debate. I beg the House to remember that it is now three years since the principle of the Poor Law was discussed—that this measure was brought in at the earliest period of the Session—that six months have elapsed since it was placed on the Order Book—that during that time we have discussed every conceivable question under the sun but this—and, recollecting this, I ask the House to say whether the Government ought to begrudge a second night's debate upon a measure which affects the happiness and involves the liberties of millions. I implore Her Majesty's Government to reconsider their determination. I beg them, if they wish to stand well with the people of this country, not to throw up this important Bill in dudgeon, or pretended dudgeon, at our persisting in demanding two nights to consider it. We have discussed this Session, with no limitation as to time, measures in which the working people of the country felt no earthly interest and had no possible concern. It was entirely in consequence of the intended introduction of this measure that an important public institution sought to be established in this great metropolis for the benefit of the poor was abandoned, after having been nearly arranged, and I do trust that because of some unpleasant feeling about an adjournment we shall not, by the act of the Ministry lose the opportunity of considering this, their own, most important Bill—a Bill, be it remembered, deferred by the Government themselves to this late period of the year; to a period when every other measure of the Session has been debated and passed or abandoned—a bill of such consequence that you took months to bring it forward, and yet now tell us, at half-past twelve o'clock at night, that you will not allow us another day to consider how far we ought or ought not to adopt it; and that you will throw it overboard unless we consent on the instant to come to a division on the subject.

Mr. *B. Escott* did not agree with the speeches of either the noble Lord who had just sat down or the right hon. Baronet at the head of the Government. He could not agree that the discussion on this measure was deferred to too late a period of the Session. It was a Bill calculated greatly to advantage the people and greatly to improve the law, and therefore it never could come too late. At the same time, he thought they ought not to go on with it at half-past twelve at night. He knew there were many Members who were quite prepared to divide, whether the measure were debated or not; but, for his own part, he believed the question to be one which required serious discussion, and which they ought to strive to make, not only as perfect a remedy as possible for existing evils, but as satisfactory as possible both to rate payers and rate receivers. He hoped, therefore, that more time would be allowed.

Lord *Stanley* observed that the hon. Gentleman had said that the Bill had not been satisfactorily discussed. He agreed with the hon. Gentleman, for the present Bill had not been discussed at all. They were anxious that the present Bill should be discussed, and discussed, too, in Committee, so that all its details might be considered, and where it could be done and mended. What, then, the Government complained of was this, that hon. Gentlemen complained of and abused the existing law, they complained of the hardships of that law, and then, when there was a great pressure of public business, and Her Majesty's Government sacrificed other measures in order that they might be enabled to have a practical consideration of the present Bill, the Government complained that Gentlemen who professed their desire to apply a practical remedy to existing grievances, and that the same should be corrected, yet that those very Gentlemen introduced a protracted discussion, not upon this Bill, but upon the general principle. Practically, they took up the time of the House in such a manner as to prevent the carrying into effect those very modifications for which they had expressed so ardent a desire. He knew not what measure it was to which the noble Lord had adverted. The noble Lord had said that a proposition had been brought forward by some friends of his, for the practical remedy of the existing evils. He did not know what that measure was, but if the noble Lord had any practical measure which he believed to be conducive to the real welfare of the people, why did he not bring it forward? He said that the noble Lord had stated that some measure was introduced, or to be introduced, and that was postponed from day to day, and week to week, waiting for the opportunity of having this discussion. What then was the complaint of the noble Lord?

Lord *J. Manners* observed if the noble Lord really wished him to explain what he had stated, it was this. There was about to be formed in London, by private subscription, an institution for the reception of the destitute. ["Oh, oh!"] It was very well to say "oh, oh," but he declared, that such an institution was about to be formed, and was given up on the announcement in Parliament of a Bill by which would be effected that which a private society endeavoured to accomplish.

Lord *Stanley* continued: The noble Lord spoke of some charitable institution—he knew not what it was. He did not find that any measure was to be introduced into that House; but that it was some private scheme. That scheme, it seemed, was to be carried into effect by private exertion, if it had not appeared that its object would be effected by the Bill that was introduced. If, then, that object could be effected by the present Bill, then let them, in God's name, proceed to the consideration of the measure, but let them not detain the House and waste the time of all, by a profitless discussion that led to nothing. If the object proposed to be effected was not contemplated in the present Bill, then surely it did not require, as the vindication of private charity, to prevent their proceeding with a new plan of relief for the poor. He did not see in either case how the abundant spirit of charity should interfere, and not allow them to close the discussion that night. Here was a practical measure of relief for the poor of the country. His right hon. Friend had stated that the Government had no other obligation, except that which a sense of duty imposed, to introduce this Bill. There was no act about to expire. This was undoubtedly a valuable measure. It was so admitted. If it were, then let them not lose it by a superfluity of talking without end. If it were, the affairs of the country would go on. The Government of the country would not be an impossibility, with the amended law; but if Gentlemen would be satisfied with legislating without talking, and this where they were all agreed that amendments were desirable, then they would have a better chance of doing something practical, than by proceeding upon a discussion which had nothing to do with the present object for legislation. No objection was taken to the second reading of the Bill. ["No, no."] He understood the hon. Gentleman who interrupted him to say that he desired a repeal of the existing law? Then what was it the hon. Gentleman proposed to substitute for it? Having repealed the existing law, was he prepared to substitute a new code of laws on his own responsibility, and this with the hope that he might find others to agree with him. At the present period of the Session, when all parties were agreed that some alteration in the law was necessary, he certainly put it to hon. Gentlemen whether they would obstruct the passing of a law which would benefit the country, merely for the gratification of enunciating abstract opinions of their own.

Mr. *B. Cochrane* thought that, for himself and for his hon. Friends who concurrred with him upon this subject, he might fairly complain of the tone which the noble Lord had adopted, taking advantage of the official situation which he held. The noble Lord had alluded to the period of the Session in which this question was discussed, but he, (Mr. B. Cochrane) would ask, whose fault was it that the subject was brought forward at so late a period. The noble Lord spoke as if a great favour had been conferred by the Government bringing forward this Bill. But surely, was it not in the power of any Member of this House to have brought forward a Bill on the subject if he had thought proper? He believed, indeed, that his hon. Friend the Member for Evesham had had such an intention. At least, on no ground, he thought, could it be laid to the charge of particular hon. Members for carrying on this discussion, when it was notorious that they had had three and four nights' debates on subjects of much less importance.

Mr. *Borthwick*: I must say, Sir—I must say that I consider the speech of the noble Lord to be anything but worthy of himself or the high position which he holds. The noble Lord thinks it not unworthy of him to tell us that we come down here animated with a wish to hear ourselves talk. The noble Lord, perhaps, will not be guilty of the discourtesy of not listening to what I have to say. I can only say, that I have never heard the noble Lord talk without feelings of pleasure and admiration. This, I believe, Sir, is the universal sentiment of the House. It is impossible not to admire the talents of that noble Lord, and to derive pleasure from his observations whenever he addresses the House. Yes, even now I feel that. Some hon. Members may not understand how a man can admire talent even when directed against oneself. I admire the satire, the powers of argument, and the cunning logic of the noble Lord—I admire them even though directed, as I think, in a most unworthy fashion, for the purpose of putting me down. I believe, however, that the House, in the course of the present Session, has listened patiently to many debates, and many speeches, quite as dull in themselves, and much less important in their bearings than those which they have heard to-night. What I have to complain of is, that a solemn pledge has been broken by Her Majesty's Government in regard to this question. As early as the 11th of April last they told us that this subject whenever it was brought forward would be brought forward as early as five o'clock, in order to give full time for discussion. [Lord *Stanley*: It came on at half-past six.] Yes, but that is not five. No! that is not five o'clock; and if they deferred it at all, they might have deferred it till half-past eleven. What I complain of is, that this subject was not brought forward under the circumstances in which the Government promised it should be, namely as the first business of the evening. Are we come to such a pass as to quibble about so many minutes in a matter of this kind? Is the relative position of Her Majesty's Government and the House of Commons such, that they will quibble as to the difference between half-past six and five o'clock? I say Sir, and I say with regret, that I am ashamed of myself considering the very great importance of the Resolution which I had to submit to the House, I should have yielded to the wishes of Her Majesty's Government, and stooped to curtail all that I had to say upon the subject, for the purpose of enabling the House to come to a decision this evening. Sir, I cheerfully did this to the disadvantage of the Resolution which I had to move; and after having so acted, the noble Lord attached to Her Majesty's Government does not think it ungenerous to tell me that I came down here for the purpose of hearing myself talk. [*Laughter.*] This may be a subject of great merriment to the House. But I would recommend Her Majesty's Government, and more particularly the noble Lord, who commands the attention of the House, not only by his talents, but by his position—I would remind him that it is not an easy matter for an individual in so humble a position as myself, called to it on the instant, to take so much more limited a view of a subject on which he has prepared himself as I have done this evening. This task I undertook, and I accomplished it; and here I am still taunted by the noble Lord with a desire to hear myself talk. The noble Lord has given me a lesson which I shall not easily forget; and whenever I feel myself called upon by public duty to take a particular course, I shall obey the dictates of my conscience, and not the wishes of a Government. I have only to add that I should have been prepared to have consented to bring this question to a vote to-night, if it had not been for the speech of the noble Lord.

Lord *Stanley* begged to assure the hon. Gentleman that in the observations which he had made he had intended no immediate reference to him. He was quite sensible of the obliging manner in which the hon. Gentleman had consulted the wishes of Her Majesty's Government on the present occasion. In the observations which he hsd made, he had spoken quite generally, and had alluded to an unfortunate system of superfluity of eloquence to which Parliament had become subject of late years, and which he thought was detrimental to the progress of public business. He fancied that the business of the country made less progress now than it did years ago, when he was a younger man, and when there was less eloquence in the House.

The House divided on the question that the debate be adjourned:—Ayes 18; Noes 219: Majority 201.

List of the AYES.

Barnard, E. G.
Borthwick, P.
Brotherton, J.
Collins, W.
Disraeli, B.
Escott, B.
Fielden, J.
Fleetwood, Sir P. H.
Hindley, C.
Hodgson, F.
McGeachy, F. A.
Manners, Lord J.
Milnes, R. M.
Muntz, G. F.
Pechell, Capt.
Plumridge, Capt.
Sibthorp, Col.
Smyth, hon. G.

TELLERS.
Ferrand, W. B.
Cochrane, A.

List of the NOES.

Acland, T. D.
A'Court Capt.
Adderley, C. B.
Aglionby, H. A.
Aldam, W.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Arundel aud Surrey, Earl of
Astell, W.
Bailey, J.
Bailey, J. jun.
Bailie, Col.
Baird, W.
Baring, hon. W. B.
Baring, T.
Barrington, Visct.
Bateson, T.
Bentinck, Lord G.
Blackburne, J. I.
Blandford, Marq. of
Boldero, H. G.
Botfield, B.
Bouverie, hon. E. P.
Bowes, J.
Bowles, Adm.
Bowring, Dr.
Boyd, J.
Bramston, T. W.
Brisco, M.
Browne, R. D.
Browne, hn. W.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Burroughes, H. N.
Busfeild, W.
Campbell, J. H.
Cavendish, hn. G. H.
Charteris, hon. F.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J W.
Christie, W. D.
Christopher, R. A.
Clerk, Sir G.
Cockburn, rt.hn. SirG.
Codrington, Sir W.
Colborne,hn.W.N.R.
Cole, hn. H. A.
Compton, H. C.
Corry, rt. hon. H.
Courtenay, Lord
Craig, W. G.
Crawford, W. S.
Cripps, W.
Curteis, H. B.
Darby, G.
Denison, W. J.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
Drummond, H. H.

Dugdale, W. S.
Duncan, G.
Duncombe, T.
Duncombe, hon. O.
East, J. B.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Emlyn, Visct.
Entwistle, W.
Estcourt, T. G. B.
Farnham, E. B.
Filmer, Sir E.
Fitzmaurice, hon. W.
Flower, Sir J.
Forman, T. S.
Forster, M.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greenaway, C.
Grimston, Visct.
Hall, Sir B.
Hamilton, C. J. B.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Harris, hon. Capt.
Hawes, B.
Hayes, Sir E.
Henley, J. W.
Henniker, Lord
Herbert, hn. S.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A. C.
Hope, hon. C.
Hope, G. W.
Howard, hn. C. W. G.
Howard, hon. J. K.
Howard, Lord
Howard, hon. H.
Howick, Visct.
Hussey, A.
Hutt, W.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, D. S.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Mackenzie, T.
Mackenzie, W. F.
M'Neill, D.
Mainwaring, T.
Marsham, Visct.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
Mitcalf, H.
Mordaunt, Sir J.
Morgan, O.
Morris, D.
Neville, R.
Newry, Visct.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Northland, Visct.
O'Brien, A. S.
O'Connell, M. J.
O'Conor, Don.
Ogle, S. C. H.
Packe, C. W.
Palmer, R.
Palmer, G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pennant, hn. Col.
Philips, G. R.
Philips, M.
Pollington, Visct.
Ponsonby, hn. C. F. A.
Praed, W. T.
Pringle, A.
Protheroe, E.
Pryse, P.
Pusey, P.
Rashleigh, W.
Rawdon, Col.
Rice, E. R.
Richards, R.
Rolleston, Col.
Ross, D. R.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, Lord J.
Sanderson, R.
Sandon, Visct.
Snymour, Sir H. B.
Shaw, rt. hon. F.
Sheil, rt. hn. R. L.
Shelburne, Earl of
Sheppard, T.
Smith, A.
Somerset, Lord G.
Stanley, Lord
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Thompson, Ald.
Thornely, T.
Trench, Sir F. W.
Trollope, Sir J.
Vane, Lord H.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. H.
Waddington, H. S.
Wakley, T.
Walsh, Sir J. B.
Warburton, H.
Ward, H. G.
Wawn, J. T.
Welby, G. E.
Williams, W.
Wood, C.
Wood Col.
Worsley, Lord
Wortley, H. Jas. S.
Wortley, H. Jno. S.
Wrightson, W. B.

TELLERS.

Young, J.
Baring, H.

Question again put on Mr. Borthwick's Amendment, that the words proposed to be left out stand part of the Question.

Mr. *Ferrand* then put it to the Home Secretary whether he had not repeatedly during the Session pledged his honour in the most solemn manner, that if the House would only allow the Poor Law Bill to be postponed, he would give an opportunity for the fullest discussion. The House and the country could not forget the circumstances under which the Bill had been brought in, and the second reading moved. It was introduced on a Saturday, contrary to the express desire of the House. It might have been agreeably to the wishes of a few Members, but not to those who were opposed to the Bill. He, himself, was absent, and when the second reading was proposed, he believed at twelve o'clock at night, the right hon. Baronet promised an opportunity for the fullest discussion. He now called upon the Government to redeem that pledge. If not, he should feel himself warranted in offering every opposition to the Bill.

Sir *J. Graham* said, that he should appeal to the hon. Member for Finsbury as to the circumstances to which the hon. Gentleman had just referred. On a Saturday, the notice of a Motion for leave to bring in the Bill was a dropped Order from a former day, and he was about to postpone it till the next week, when the hon. Member for Finsbury asked him to make a statement of the outline of the Bill without further delay, with which request, as it appeared to meet with the concurrence of the House, he felt it his duty to comply, and he made a statement of the objects of the Bill, although under the disadvantage of having no abstract of the Bill, nor any note by him. On the second reading of the Bill, it was true he had assured the House that a full opportunity should be given in a future stage, to discuss not only the details of the Bill, but its principle, in connection with the existing Poor Law. Now whether the Bill had been brought on at five or six o'clock, he would not say; but, at all events, they had been now occupied some seven hours and a-half in discussing, not the details of this Bill, but the principle of a measure not directly under the notice of the House, yet incidentally brought under review, by the Motion of the hon. Member. If, under these circumstances, the House should think he had not redeemed the pledge he gave on the second reading of the Bill—that a full opportunity should be given to discuss the principle of the Poor Law Amendment Act, in connection with this Bill, he should not for one moment feel disposed to oppose the adjournment of the debate; but he must say that the sense of the House upon that point had been already collected in a manner not to be misunderstood. In the division which had been just taken, he found that eighteen only out of a House of near 240 Members had voted in favour of the Motion for an adjournment, and certainly it would be a somewhat unusual proceeding that the opinion of eighteen should prevail against the sense of 219 Members who had voted on the other side. Under these circumstances, he did not think he was open to the charge of violating any pledge when he said that he should feel it his duty to force on the discussion on the question of going into Committee.

Mr. *T. Duncombe* rose for the purpose of confirming the statement of the right hon. Gentleman as to what had taken place on the introduction of the Bill, and the promise which had been made at the second reading. If any undue advantage had been taken, the blame rested with him (Mr. T. Duncombe), and those who with him had solicited the right hon. Baronet to take the course he had adopted, and not with the right hon. Baronet.

Mr. *P. Borthwick*, though he did not intend to move the adjournment, would support any hon. Member who would propose such a Motion; and he thought he should be fully justified in doing so, after what had been said by the noble Lord (Lord Stanley). He did not charge the right hon. Baronet with having acted unfairly towards the opponents of the measure. The right hon. Baronet (Sir J. Graham) had redeemed every pledge which he had given.

The House divided on the question that the words proposed to be left out stand part of the question:—Ayes 199; Noes 19: Majority 180.

List of the NOES.

Cochrane, A.
Collins, W.
Crawford, W. S.
Duncombe, T.
Fielden, J.
Fleetwood, Sir P. H.
Forman, T. S.
Hall, Sir B.
Hindley, C.
Hodgson, F.
McGeachy, F. A.
Manners, Lord J.
Morris, D.
Muntz, G. F.
Pechell, Capt.
Pollington, Visct.
Smythe, hon. G.
Wakley, T.
Williams, W.

TELLERS.

Ferrand, W. B.
Borthwick, P.

House went into Committee *pro formâ*, and immediately resumed.

Bill to be recommitted.

GAMING.] Viscount *Palmerston* moved the Second Reading of the Actions for Gaming Discontinuance (No. 2) Bill.

On the question that the Bill be now read a second time,

Mr. *Christie* objected to proceeding with the measure.

Viscount *Palmerston* said, what he proposed by the Bill was, to continue things in the same state as by common agreement they ought to remain, viz., as they were, until Parliament should have time to consider the state of the law. He trusted the Bill might be read a second time. The plaintiff in the actions might be heard by counsel, if that was his object, at any other stage.

Mr. *T. Duncombe* said, that great injustice would be done if the House did not allow counsel to be heard at the Bar.

Mr. *M. Gibson* observed, that his hon. Friend did not oppose the Bill, but merely contended for the hearing of counsel. He wished to know whether the right hon. Baronet at the head of the Government would or would not oppose the hearing of counsel?

Sir *R. Peel* said, he was not prepared to give any assurance on the subject.

Mr. *Christie* moved, that the debate be adjourned.

The House divided:—Ayes 10; Noes 61: Majority 51.

List of the AYES.

Bouverie, hon. E. P.
Brotherton, J.
Duncan, G.
Gibson, T. M.
Howard, hn. C. W. G.
Mainwaring, T.
Pechell, Capt.
Rawdon, Col.

Warburton, H.
Wawn, J. T.

TELLERS.
Duncombe, T.
Christie, W. D.

List of the NOES.

Antrobus, E.
Arundel and Surrey, Earl of
Baring, hon. W. B.
Bentinck, Lord G.
Boldero, H. G.
Borthwick P.
Bramston, T. W.
Clerk, Sir G.
Codrington, Sir W.
Colborne, hn. W.N.R.
Collins, W.
Craig, W. G.
Cripps, W.
Darby, G.
Denison, E. B.
Douglas, Sir C. E.
Drummond, H. H.
Eliot, Lord
Entwisle, W.
Escott, B.
Forster, M.
Fremantle, rt. hn.SirT.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grimston, Visct.
Hamilton, L. C.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Howard, hon. H.
Hutt, W.
Jermyn, Earl
Jocelyn, Visct.
Lincoln, Earl of
Mackenzie, W. F.
McNeill, D.
Marsham, Visct.
Nicholl, rt. hn. J.
O'Connell, M. J.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Peel, J.
Ponsonby, hon. C. F.
Pringle, A.
Rice, E. R.
Ross, D. R.
Rous, hon. Capt.
Rushbrooke, Col.
Sibthorp, Col.
Stanley, hon. Lord
Sutton, hn. H. M.
Vane, Lord H.
Vesey, hon. T.
Waddington H. S.
Walsh, Sir J. B.
Worsley, Lord
Wortley, hon. J. S.
Wortley, hon. J. S.

TELLERS.
Young, J.
Lennox, Lord A.

Bill read a second time.

The House adjourned at a quarter past two o'clock.

HOUSE OF LORDS,

Friday, July 5, 1844.

MINUTES.] BILLS. *Public.*—1ª. Bank of England Charter; Prisons (Scotland); Linen, etc. Manufactures (Ireland).

Private.—1ª. Lord Lovat's Estate.

2ª. North Wales Mineral Railway; Morton's Estate.

Reported.—London and South Western Railway; Newport (Monmouth) Dock.

3ª. and passed:—Taff Vale Railway.

PETITIONS PRESENTED. By Duke of Wellington, from Highclere, and 4 other places, for Protection to Agriculture; and from Warlingham, against any Alteration in the present Corn Laws.

STATE OF THE NAVY.] The Earl of *Minto* rose to put to the noble Lord at the head of the Admiralty the question of which he had given notice, as to the intentions of the Government with respect to sending any force to the coast of Morocco or elsewhere, or what measures the Government had in contemplation on that subject. He felt the extreme importance of the contest which apparently was likely to arise in the empire of Morocco. He understood that our mediation had been, or was likely to be, declined, and he must say that however deeply he regretted this, he was not at all surprised at it, because he did not think that we had placed ourselves in such a position as to afford to a weaker state that assurance of assistance and support which it might have felt if it had seen any symptoms of preparation on the part of this country. Their Lordships were aware that some important points of our possessions were dependent almost entirely for their supplies upon the empire of Morocco, and it could not be a matter of indifference to that House that the independence of that state should be put in any hazard. There were, moreover, positions on that coast which it would be most injurious and dangerous for the interests of this country if they should be transferred to any other hands, and there were also points not immediately forming a portion of the territory of Morocco, which in the event of a war between France and Spain and Morocco, would be placed in considerable jeopardy,—he meant the island of Majorca and the other Balearic Islands. All those of their Lordships who had paid attention to this subject must feel the same anxiety that he did, that nothing should occur to endanger our amicable relations with the empire of Morocco, or its entire independence from the control of any Foreign Powers. He should have felt little uneasiness if he had perceived that Her Majesty's Government had placed themselves in a position to be ready to second the negotiations with that display of strength which, on the highest authority among them, it was so desirable for this state to be always able to show—he repeated that he would have had less apprehension if he had found anywhere the appearance that Her Majesty's Government had retained the means of sending forth a sufficient force to strengthen the negotiations; but, unhappily, he found the naval force of this country so reduced, that he declared he knew not where the noble Lord could turn to find such a reinforcement for our naval force in those seas as would be at all calculated to produce any impression. This was not his own opinion; he was anxious to deliver to their Lordships, in stating the necessity that our negotiations should be backed by a respectable force. He should quote the highest authority in that House on the subject, from the strictures that had been addressed to himself (Lord Minto) in one of the numerous attacks which he had so frequently experienced when he held office. It was the authority of the noble Duke opposite, who had always been the most fair, generous, and candid of all the assailants whom he had had to encounter. In a discussion on our commercial relations which had taken place in that House, towards the close of the Session of 1838, the noble Duke said—

> "Now, he confessed that he could not view the state of our commercial relations, and of our position in the world generally, in connexion with these commercial pursuits, with any degree of unmixed satisfaction. On the contrary, he did deplore the state in which they found themselves placed in many parts of the world, particularly as had been described in the course of the evening by his noble Friend (Lord Strangford). What he attributed that state of our commercial relations to in a great degree was, the extreme weakness and tottering condition of our naval establishments. He did not now mean to complain of the distribution of our naval establishments; though at the same time, he by no means meant to unsay what he had said in respect to the expeditions to Spain, which he could not approve of; but he repeated his expression that he considered our naval establishments to be in too weak and tottering a condition to answer the purpose for which they were intended, which was to give protection to the commercial interest of the country in all parts of the world; for the commerce of England did extend to all parts of the world."

And afterwards, when our interference and good offices were exercised in the case of the misunderstanding between France and Mexico, the noble Duke asked—

> "When the Minister who was concerned in carrying on the negotiations on the part of the French Government with respect to the claim for 120,000*l*., the subject of this war, placed himself for protection on board one of the vessels composing the French fleet, in the harbour of Santo Sacrificio, how could the representative of the English Crown upon the spot treat with the French Minister at all, if he had not some force at his back? He did not at all wish to threaten, but what he desired was, to have amicable intercourse with the representative of France. But to have that he must be on an equal footing with him."

Now, at the time to which the noble Duke then referred, we had eighteen sail-of-the-line in commission, and a large force in every part of the world. There was no station on which we had not a force adequate to all the demands which could arise, and at home we had a reserved force of four or five ships of the line, disposable for any service. What was the state of the case now? Not only were there questions pending with respect to Morocco, but also that question with America relating to the Oregon boundaries, and with respect to Texas, and other questions, in which the interests of this country were materially concerned. All these, one might think, might suggest the necessity of having a respectable naval force at our command. But how stood the case? He was sure their Lordships were not prepared to hear what he was about to state, as to the amount of the naval force of this country at the present moment. The present Government had succeeded to a fleet of six-and-twenty ships-of-the-line, a force more than adequate to the then altered circumstances of the country. A reduction was then made to a degree that had never been known or dreamt of. At the present moment there was not in commission, he believed, one ship-of-the-line, other than those employed to bear the flags of the admirals commanding. There might, perhaps, be one. We had in all nine ships-of-the-line in commission, of which there were two in the East Indies, at a distance; one in the West Indies, also at a distance; three guard-ships, bearing the flags of the port-admirals in the different ports of this country. Then there was in the Mediterranean fleet one ship-of-the-line, and one flag ship, and finally there was the *Albion*, which had been recently employed—he did not know whether she now was—as the flag ship at Cork. Here then, we had for the Navy of England nine ships-of-the line, and this at a time when none of their Lordships would deny that the state of affairs abroad was such as necessarily to cause the greatest anxiety. He did not say he had any immediate fear of war, but there were questions pending, the settlement of which depended upon the respect and estimation in which this country was held; and that respect and estimation would be governed in no small degree by the strength which we were enabled to exhibit. He knew not what answer would be given to his questions. He hoped his noble Friend would be able to say that he had resources at command of which he (Lord Minto) knew nothing, and that the Government were about to send a force to the Mediterranean which would more than balance the French fleet—that we were not to leave the Mediterranean entirely to France, but that we were still to retain some power there. It would be no answer to him to say that there were demands for the employment of Her Majesty's ships in other parts of the world, and that there was great pressure on the Admiralty—he had never seen the day when there could be the slightest difficulty in meeting any demands that could arise; and, as he had said, when the attacks were directed agsinst him, if there was any defect, it was the fault of the individual presiding over the Admiralty. The noble Lord ought to show that there was a British fleet prepared, whenever it should be required. Nor could the noble Lord tell them that though the number of ships of the line was reduced, there was an increase in the number of vessels of smaller rates: for how stood the facts? On looking at the amount of the force at the two periods, he found that at the former date it was larger than at present, (and therefore the ships of the line, of which the country had been relieved, were not counterbalanced by an extraordinary equipment of vessels of another sort. So that his noble Friend could not say that he had felt called on to reduce the number of ships of the line in consequence of the demand on the Admiralty for an increased number of smaller vessels. Let it be supposed that it should be thought necessary to support our negotiations in the manner described by the noble Duke, and that a respectable force should be sent to the Mediterranean, in order that the British flag should be supported, where was that force to be found? From three flag-ships and three guard-ships? He besought their Lordships to remember all that used to be said of the necessity of having a reserve at home and of the danger of leaving our shores at home unprotected save by four or five guard ships. He was sure that this increasing reduction of our naval force was not called for by the country. On the contrary, he believed that the country saw with great regret the Mediterranean without a British fleet. The circumstances under which this reduction occurred were peculiarly unfortunate. In addition to those questions he had referred to as existing on the other side of the Atlantic, and those which were arising on the shores of the Mediterranean, there had been, as he was informed, a considerable increase of the French fleet in commission; and he for one did not see without some degree of anxiety that the command of that portion of the fleet which was destined for Morocco had been given to the Prince de Joinville. He would refrain from saying anything of the character or conduct of that Prince, but with the knowledge their Lordships had of the opinions, sentiments, and feelings which had been recently expressed in that country, he felt assured that they would participate in the regret which he felt that the Prince should have been selected for such a service. In conclusion he begged to ask whether it was the intention of the Government to adopt any measures for sending to Morocco, or elsewhere such a naval force as would be sufficient for the protection of British interests?

The Earl of *Haddington* said, their Lordships had heard the question of the noble Earl, and the speech with which he had thought it prudent and becoming to preface it. The practice of making long speeches, and of entering into general discussion when only a particular question was put, was a very inconvenient one, and was one to which the noble Earl was somewhat prone. It was not only an inconvenient practice, but also an unfair one, because if he had been informed that the noble Earl was going to put a question as to the distribution of the whole naval force of the country, he would have thought it necessary to refresh his memory a little as to the details. He had never been more surprised in his life than at the long speech *de omnibus rebus*, which had fallen from the noble Earl; and as the noble Earl in some of his remarks had diverged into diplomacy, he thought he had some reason to complain, that he had not waited for the arrival of the noble Earl the Secretary for Foreign Affairs before entering into them. He was not going to answer the speech of the noble Earl, but his question, which bore more particularly on the noble Earl's charge, that there was only one ship-of-the-line left in the Mediterranean. At the time that resolution was taken, there was not the slightest appearance of anything requiring a British force in that part of the world, and it formed no part of the policy of the British Government that because the French had an exercising squadron in that part of the world, we were, therefore to have a countervailing one. The French had not themselves at that time the least expectation that they would be called upon to send a force to the coast of Morocco. But the noble Earl should also please to remember that the Mediterranean was not a distant sea—that it was not a difficult thing to send vessels there—that the Government had sent such a force there as they thought the circumstances required—and that, if it was necessary to add to it, it was in their power to do so. With respect to the "elsewhere" alluded to in the noble Earl's question, we had such a force on every station as, after the most minute deliberation and attention to British interests all over the world, the Government had thought it right and proper to send there. The noble Earl had alluded to the Oregon question and the Pacific. To the noble Earl's remarks on these points he made the same reply. They had also increased the force on the coast of Africa. The noble Earl might shake his head, but there was no reason for his doing so. It was the intention of Her Majesty's Government still further to strengthen the force on the coast of Africa. What had prevented them hitherto from carrying that intention into effect was the necessity Her Majesty's Government had been placed under of having a force in Ireland—a necessity which he hoped would be temporary only. Some vessels had been sent, and more would be sent very shortly. He would only add, that he thought the desponding speech the noble Earl had made was not a very prudent one to come from a Peer in his place in Parliament. There could be no doubt that if circumstances should call for the application of an adequate naval force in any part of the world, the means would not be wanting, and that the time would not be long before the required force would be ready. At the same time, with regard to Morocco, there was every reason to hope, that the issue which they all so much deprecated would not take place.

The Earl of *Minto* said, he was far from being satisfied with the answer he had received. He was told that the Government would do what they thought proper. He knew they could only do what was possible; and out of nine ships of the line, three being necessary here, and three necessary in the East and West Indies, and another necessarily in the Pacific, it was impossible to extract such a fleet as would be adequate to support the credit and character of the British flag.

LAW OF LIBEL ACT AMENDMENT BILL.] Order of the Day for the third reading read.

Lord *Campbell* said, he had hoped that it might not have been necessary for him to trouble their Lordships with any further observations on the provisions of this Bill, beyond the short statement which he had made when he first laid it on the Table of the House, as it seemed to him to follow inevitably from the principles which their Lordships had adopted and acted upon in the last Session of Parliament; but having learned, to his surprise and mortification, that it was to be opposed in quarters entitled to the highest possible respect, he was called upon, in the discharge of his duty, now to explain and defend it. The object of the present Bill was to obviate what he considered a gross defect in the conduct of public prosecutions for seditious libels and seditious words. Last Session Parliament dealt with the subject of defamation, or the injury to private character. An Act was then passed which had the double object of better guarding private character from slander, and protecting the respectable part of the press from frivolous and vexatious prosecutions and actions. He was happy to be able to assure their Lordships that, from all the information he had received, that Act had worked well. By its stringent enactments the trade in slander had been very much checked, and more than one infamous weekly journal had dropped; while prosecutions and actions against respectable newspapers, with a view to costs, had become much less frequent. The main Amendment of the law introduced by that Bill was, that on the trial of a prosecution for libel, evidence of the truth of the charge might be received as an ingredient for the consideration of the jury in determining on the guilt or innocence of the defendant. On the fallacious ground that libel is an offence merely because it may lead to a breach of the peace, the truth was excluded as immaterial, and the maxim arose "the more true the more libellous," because a person is more likely to resent what he knows to be true, and thinks may be believed, than pure invention, which may be treated with mere contempt. But their Lordships came to the conclusion that defamation is to be punished criminally, like theft, for the protection of a right which a citizen in a well regulated state is entitled to enjoy—his reputation, and that without an inquiry into the truth of the charge it was utterly impossible to determine how far this right has been evaded. Their Lordships were shocked by the injustice of trying and punishing a man for an alleged libel, without considering whether he had merely stated what was true, with a view to the public good, or had invented a calumny to gratify malignity or for pecuniary extortion. Great inconveniences were pointed out which might arise from the change in the law; but these were considered as nothing compared with the injustice and mischiefs of the former system, and scandal brought upon the administration of justice by adhering to it. Accordingly, now, in every prosecution for defamation the defendant might plead that the charge was true, and that he published it for the public good; and if he made out both propositions he was entitled to a verdict. But Government prosecutions for seditious libels or words were allowed to remain subject to the old rule, by which truth was excluded, both on the trial and after conviction, in mitigation of punishment. This defect in the measure had been very forcibly pointed out by his noble and learned Friend in his letter to Sir James Graham, and he (Lord Campbell) very frankly acknowledged it. But he had thought it might be more prudent, having got an acknowledgment of the great principle of admitting evidence of truth in prosecutions for libel, to confine the application of it in the first instance to cases of private defamation, considering that it would without difficulty be extended to public prosecutions for seditious libels or words. With respect to these, justice equally required that the truth should be admitted, and fortunately there was less risk of the principle leading to hardship or inconvenience. It would surely be admitted that the object of every criminal trial was to ascertain whether the accused be guilty or innocent. When the charge was publishing a seditious libel, his guilt or innocence must depend upon motive and tendency. Whether he was actuated by malice, and whether the publication was likely to do mischief, by inciting to insurrection—or to confer a benefit, by the correction of a public abuse. It must be observed that this Bill applied only where there were facts alleged in the supposed libel; and where there were facts alleged, how was it possible to get at motive or tendency, without the opportunity of inquiring whether they were true or false? Consider the libel for which Sir Arthur Pigot, when Attorney General, filed an *ex officio* information in the year 1806—for stating in a newspaper that troops had been sent to sea in transports which were unseaworthy. Would it have been immaterial whether he invented a falsehood to stir up mutiny in the army, or only stated what he could prove to be true with a view to the safety of our brave defenders in arms? Suppose there were a prosecution for stating instances of excessive, and cruel, and unjustifiable flogging in the army. Would it make no difference in the guilt or the punishment whether the facts alleged were true or false? Or suppose the charge were, that from some culpable mismanagement in the commissariat, the provisions supplied to an army in the field were defective and of bad quality. Again, suppose (what is most unlikely in these days) the charge in the libel to be, that Her Majesty' Ministers had received bribes from a Foreign Government. If the defendant were to say "I am ready to prove the charge," would you refuse the evidence, and at once find him guilty and punish him? But let one other case be put, not so very improbable. Suppose a paragraph were to appear alleging that Her Majesty's Government, at the instigation of Foreign Sovereigns, had been in the habit of sanctioning the opening of letters at the Post Office, re-sealing them, and forwarding them to their destination, and that an information were filed against the proprietor of the newspaper charging this to be a seditious libel. *Prima facie* the information could, undoubtedly, be maintained, for it would be imputing to Her Majesty's Ministers a very grave offence, which I now by no means say, or wish to insinuate, that they have committed. But would it not be monstrous to prevent the defendant from attempting to show that what he alleged is true, and that his only object was to put an end to a practice which he considered illegal, discreditable, and mischievous? As the law now stands, however strong his proofs might be, he could not defend himself by adducing them before the jury, nor would he be permitted to avail himself of these facts by affidavit when he comes to receive sentence. This rule is unjust to the defendant, for he is punished when he may be innocent, and it is unjust to the public, as it must have a tendency to fetter free discussion, and prevent the disclosure of facts in which the public are interested. Then, as laid down by Mr. Starkie, the Criminal Law Commissioner, if you exclude evidence of the truth, the Court is not justified in considering the statements to be false, and is bound to give a sentence as if the charge were true, so that for the offence of inventing and propagating a wicked calumny the law of England provides no punishment. This exclusion of evidence of the truth is against all analogy; for the general practice is to admit evidence of the whole chain of circumstances connected with the act charged as criminal. Thus upon an indictmeut for an assault, you hear everything that can be considered provocation; and by way of mitigation, you even admit proof of a libel by the prosecutor on the defendant; although upon an indictment for a libel, you would not receive evidence of the provocation that the facts stated are correctly true. See the inconsistency and anomaly which must arise, if you now refuse to extend the same rule to public as to private prosecutions. As the law stands, if a Minister of the Crown were to direct his own solicitor to prefer an indictment for a charge of misconduct upon him, the truth might be pleaded and proved. Is it to be permitted that for the very same paragraph an *ex officio* information might be filed, and there that the truth should be excluded? Consider the scandal which may thus be brought upon the administration of justice, and beware of the sympathy which may be created even in favour of a guilty man, by enabling him plausibly to boast how he could prove the truth were he permitted to do so, and to inveigh against the law, although he may not suffer from its injustice. I am aware there is one very weighty authority not altogether in my favour—the Lord Chief Justice of the Court of Queen's Bench—the zealous, steady, and enlightened friend of the liberties of his country. When examined last Session of Parliament before the Committee on the Law of Libel, he certainly intimated an opinion that evidence of truth ought not to be generally admitted even in mitigation, and that the present rules do not generally operate unjustly; and he strongly objected to a right to challenge the character of a man whom it is wished to injure. But I am sure I shall not displease my noble and learned Friend by manfully combating his opinion. In expressing these sentiments, of all the witnesses who were examined, he stood alone. Lord Brougham in his evidence, when speaking of excluding evidence of truth, says,

> "I hold that to be the greatest absurdity in the whole Libel Law, or almost in any branch of the law. For, whereas, the utmost that can be said against making the truth evidence that it is not in all cases a decisive test, yet if it is only an unilateral test, surely it is no reason for excluding so material a circumstance from the knowledge of the Court and Jury."

I cannot refrain, likewise, from availing myself of the testimony of the late noble and learned Chief Baron of the Exchequer, who said,

> "With respect to public prosecutions, it seems to me to be contrary to common sense to say that a man is justly liable to the same punishment, whether what he publishes be true or false. The publication may be injurious whether true or false; but it must be always more injurious if it be false, and, at all events, less excuseable if it be false."

I have likewise the authority of my noble and learned Friend who lately held the Great Seal (Lord Cottenham). When Solicitor General, and a Member of the other House, he there delivered a very powerful speech in favour of admitting evidence of the truth in all cases, and I have no reason to suppose that he has changed his opinion. The great majority of the puisne Judges, I admit, are against me, but they were equally strong against the Bill of last year, which Parliament adopted; and with all respect for those venerable magistrates, whom I so much love and honour, I must be permitted to say that I would rather inquire of them what the law is, than what it ought to be. I cannot forget that, with one exception, they strongly disapproved of the Prisoner's Counsel Bill, which wiped off a great stain from our criminal procedure: and they zealously as well as conscientiously disapproved of the mitigation of the criminal code. For example, my noble and learned Friend the Chief Justice may remember that when the Bill for taking away capital punishment from forgery was passing, they foretold that the change would be attended with effects the most calamitous, whereas it has only led to certainty of conviction, and a diminution of the offence. But I must remind your Lordships that the exclusion of the truth on public prosecutions is rather what is to be denominated judge-made law, and was not finally settled as law till the opinion of the Judges was taken by this House on the passing of

Mr. Fox's Libel Bill in the year 1792. In the reign of Charles II., Pemberton, a great Judge, admitted evidence of the truth of an allegation that Sir Edmondsbury Godfrey had murdered himself. In "Rex *v.* Fuller," in 1702, on an information by the Attorney General for a public libel, Chief Justice Holt, addressing the defendant said—

> "Can you make it appear that the publications are true? You might have had subpœnas for your witnesses against this day. If you take upon you to write such things as you are charged with, it lies on you to prove it at your peril. If you have any witnesses, I will hear them. If you have any witnesses produce them."

The King *v.* Franklin, in 1731, before Chief Justice Raymond, for publishing the *Craftsman,* is the first instance of the truth being rejected; but even so late as the year 1777, in Horne Tooke's case, before Lord Mansfield, evidence was admitted of the truth of the charge contained in the libel; upon the whole, I cannot bring myself to believe that after you agreed to the Bill of last year, this Bill can be in jeopardy, for it is equally called for by justice, and is less liable to objection. In prosecutions for private defamation, to admit the truth is certainly liable to the objection that the character of a private individual may be thus wantonly drawn into discussion; but prosecutions for seditious libels can hardly be conceived at all to enter into the concerns of private life. Still, if some inconvenience may be pointed out, you must compare this with the flagrant injustice and many mischiefs of the existing system, and your choice cannot remain doubtful. I ought to mention that the Bill contains one exception which is quite consistent with its principle, and which I am sure your Lordships will approve of. Our constitution says the Sovereign can do no wrong. For matters of State, the Ministers, by whose advice the Sovereign acts, are responsible. In private life the law decorously supposes that no wrong can be committed, and affords no remedy. Therefore, if there ever should be a libel touching the person of the Sovereign, no allegation or proof of its truth can be admitted. I have only, now, a short explanation to give with respect to the manner in which the evidence is to be admitted. In prosecutions for private defamation, where a specific charge is made, which is the gravamen of the offence, the plan adopted was to require a plea alleging the truth of the charge, and that it was published for the public good. But seditious libels may consist of such a mixture of fact, comment, and incentives to insurrection, that it would often be exceedingly difficult to have any specific issue on truth or falsehood; and the plan is adopted of requiring notice to be given by the defendant, and then of permitting evidence to be given of the truth, under the general issue of not guilty, as an ingredient for the consideration of the jury. Such evidence will not be conclusive; but, on considering it, the jury will say whether upon the whole the publication is criminal or excusable. Though the facts be proved to their satisfaction, they may still think that the defendant was actuated by malicious motives, and intended to stir up sedition, in which case they will still find him guilty; but if the facts he alleges are true, however criminatory, and the jury are of opinion that the comments he makes upon them, instead of being seditious, are for the benefit of the public, they will acquit him; and, my Lords, ought he not to be acquitted? The learned Judges themselves, who doubt or disapprove of the principle, admit that there is no better mode in which the principle can be carried into effect. The question, therefore, is, whether you will not, by adopting this Bill, complete the reform of prosecution for libel which you have so auspiciously begun—or leave the law in its present imperfect and incongruous state. Public prosecutions in this island may not at present attract much notice; but the system of oppressive Government informations may any day be revived, and Englishmen ought to enjoy their rights by law, and not merely by the forbearance of the public prosecutor. His Lordship concluded by moving, that the Bill be now read a third time.

The *Lord Chancellor*: My Lords, although I entertain a very great respect for the opinion of my noble and learned Friend who has brought forward this Bill, and for the opinion of those who concur with him, still, after the best consideration I have been able to give to the measure I cannot consider it an improvement of the existing law; on the contrary, I think that if the Bill should pass, it will lead to great practical evils. My noble and learned friend, in his address to your Lordships, seems to have wished your Lordships to believe, that by the law, as it has recently stood, the truth might have been given in justification of libels of this description. My Lords, it is sufficient for me to refer your Lordships upon this point to a fact which my noble and learned Friend has himself stated—namely, that in the opinion of the judges of England, who were examined in your Lordships' House, such was not the law of England, and in so stating their opinion, they referred not merely to the law as it stood at that moment, but as the law had been at an anterior period. I stand, therefore, my Lords, upon clear ground when I state that the truth cannot be given in justification in a case of a prosecution for libel. In order to show to your Lordships the nature of my objections to this Bill, I next remind your Lordships of the course of proceeding in prosecutions for libel, in order to explain the specific grounds upon which I object to it. If a party brings an action for damages for a libel, the defendant may plead the truth of the libel in justification, and the judge, when he addresses the jury, will state his opinion whether the publication be a libel, and that a justification had been put upon the record; evidence would be given in support of the justification, and the judge would state to the jury his opinion whether the justification was made out; and if it was so, he would tell them they were bound to find a verdict for the defendant. The functions of the judge and the jury were here perfectly distinct; there nothing was left to the jury, being guided by the opinion of the judge as to the law. So much for the action for damages. If a prosecution be instituted by a private individual, the object of the Bill of his noble and learned Friend was, that a similar justification might be put in issue, and that the party might plead that it was for the public benefit that the libel was published. The judge would then leave the fact to the jury, whether it was proved that it was for the public benefit that the alleged libel was published, and if, in their opinion, it was so, then it would be their duty to find a verdict for the defendant. In that case the duty and offices of judge and jury would be distinct. Now, my noble and learned Friend should have framed a measure of the same nature for cases in which the prosecutor is the Attorney General, or where the prosecution is carried on under the direction of the Attorney-General, for a seditious libel or for seditious language. But my noble and learned Friend has not pursued that course; if he had, the duty and the functions of judge and jury would have been kept equally distinct. But the objects of such prosecutions are libels calculated to disturb the public peace, to excite disorder and disaffection in the country; and it is no defence in such cases to say that the libels are true, for the effect may be as effectually produced by such libels as if the whole were founded in falsehood. And mark the consequences of the extraordinary course which my noble and learned Friend has adopted in this Bill. If there is any allegation of facts in the libel, it is to be open to the defendant—to do what? Why, to give evidence that the alleged facts are true, and thus put them in issue on the trial. And what will be the result? Why, if any one fact put in issue, out of scores of libellous and calumnious charges, be proved, it must be put to the jury to find a verdict of "guilty" or "not guilty;" and the jury, according to their caprice or fancy, without the slightest chart to guide them, without any rule of law to regulate their judgment, will pronounce such a verdict as may happen to suit their views. It will be the duty of the judge to say, "If you believe the evidence, this is a seditious libel; a justification is put upon the record; there is a fact in issue; evidence has been given to prove that fact; you have heard the evidence on both sides upon the justification upon the record, and it is for you to say whether the defendant is guilty or not guilty." I think that this would be a most extraordinary state of the law; that where a single fact is proved out of a mass of facts, a jury should decide and give a verdict of guilty or not guilty, without any guide or compass. It would be trusting in the hands of a jury an unbounded power, which would be liable to great abuse. What would be the effect? In many cases of this nature, inflammatory speeches addressed to the passions of the jury would be employed in order to procure a verdict according to their fancy or caprice. A party publishes a seditious libel and is prosecuted:—in such cases there is generally mixed up no slight portion of attack in their private as well as their public capacity:—according to the law as it now stands, such a person may, if he be an orator, or if he think himself one, undertake his own defence—and what is his ordinary course? He proceeds to reiterate, perhaps with increased virulence, the libels and calumnies until the judge interferes; and if the party perseveres, he is checked, and if he repeats his calumnies, the judge interposes, and restrains him, and preserves the decency of the Court. But what does my noble and learned Friend's Bill propose to do? A party, after attacking the character of men of the highest rank and respectability in public life, is brought before a Court of Justice, where he repeats the charges, perhaps with exaggeration, upon the characters of these persons. Can the judge interfere? No; the party says, "I will offer evidence of it," and the judge must sit and listen to all this abuse, and all these calumnies in silence, and leave them to operate upon the minds of an ignorant jury. And what will the result be? Why, the party will, perhaps, offer evidence—hearsay evidence and vague rumours—which cannot be received, but which the jury will think is rejected upon a technical objection, and with inflamed passions, without any guidance from the judge, will find a verdict of "not guilty." That will be the effect of my noble and learned Friend's Bill, and it marks the extreme injustice of it. Then the prosecution is carried on by the Attorney General; an individual against whom charges are made has no right to interfere, and if the system of calumny should be resorted to in a Court of Justice, he has no right to interfere. Is not that extreme injustice? Again, the Attorney General is the person to defend the character of the party attacked; he may or may not defend it; different considerations may apply to different individuals; party or political feelings may interfere. But it is no part of the law of England that a man's private character is to be put in issue, and he has no right to employ his own counsel to defend it. This, however, is one of the effects of my noble and learned Friend's Bill, and notwithstanding all the praise he has bestowed upon his former Bill he should, I think, weigh well the consequences, before he asks your Lordships to pass a Bill so inconsistent with the due administration of justice as this. And I would call your Lordships' attention to the last observation of my noble and learned Friend. He says, that libels against the person of the Sovereign are to be excepted. What is meant by "libels against the person of the Sovereign" is not very easy to understand. Are all the other members of the Royal Family to be subject to this Bill? My Lords, I will put one case merely by way of example or illustration. I will suppose that a foreign Sovereign should be made the object of calumny and abuse; that the Attorney General should commence a prosecution against the libeller, and that he defends his own cause in a Court of Justice, where he reiterates the calumny and puts in issue the character of that foreign Sovereign, an ally of this country; that the defendant calls witnesses to prove his charges, and a jury is empanelled to see whether the foreign Sovereign is guilty or not of the charges. Can my noble and learned Friend be blind to the consequences of this—that a foreign Sovereign and his acts shall be put in issue in a Court of this country; that witnesses are to be called, and a jury is to pronounce a verdict of "guilty" or "not guilty," according to their opinion of the character and conduct of that Sovereign? Yet this, my Lords, is one of the consequences of this Bill. I am satisfied that under the circumstances, your Lordships will be of opinion that it is a Bill which ought not to be adopted. My noble and learned Friend has alluded to a noble and learned Friend (Lord Cottenham) not now present, as having approved of this Bill. My Lords, I think I know so much of my noble and learned Friend as to be able to say, that if he approved of this Bill he would have been found at his post to support it. I know enough of that noble and learned Lord's opinion, that I can state that he does not support the Bill—I do not say he opposes it—but he does not support the Bill, or he would have been here to-night to do his duty to it. My Lords, my opinion of the Bill is such that I shall move that it be read a third time this day three months.

Lord *Brougham* said, he had been anxious and alarmed when he saw his noble and learned Friend rise so immediately after he had heard his noble and learned Friend who had argued the question so clearly and so cogently, to take part against a measure which he had so long and so anxiously had at heart; but he could not help thinking that the speech of his noble and learned Friend (the Lord Chancellor), taking it altogether, would be found to make, on the whole, rather for than against the Bill. Nothing was more likely than that their Lordships, not being, generally speaking, professional men, should feel the force of his noble and learned Friend's arguments in the direction in which he intended them, when he exclaimed, "Could anything be more pernicious and unjust, than that a party should be dragged into a court, his character put in issue by a libeller, he being no party to the prosecution of the libeller, and that witnesses should be called to give evidence in his absence, and that this should be done even in the case of a foreign Sovereign?" Why this objection of the noble and learned Lord's might have applied to the law as it stood two years ago, but it was altogether inapplicable to the law as it stood at present; for, under the existing law, the very thing which the noble and learned Lord deprecated, might be done on any one of the 365 days of the year in which any law proceedings at all could take place. His noble and learned Friend on the Woolsack might charge him (Lord Brougham) any day he chose with whatever he pleased, and be prosecuted for it by his noble and learned Friend behind him (Lord Campbell), and yet he (Lord Brougham) know nothing whatever about it—and the two might go into Court, and his noble and learned Friend who had libelled him might bring any evidence they could scrape together against him, and he know nothing whatever about it—in short, they might try his character in the Court of Common Pleas, at any time, for a long summer day, and he, all the time perfectly ignorant that the prosecution had ever been instituted. Such was the law as it had been recently established; and he had herein seen so grave an objection to the step taken last year that he at one time was minded to introduce a Clause, whereby it should be enacted, that only in cases where the party libelled was himself the prosecutor, should the truth be admitted in evidence; but his reason, on reflection, for not proposing such a Clause was, that it would be inefficacious. The objection, however, which might have applied to other cases, did not apply here; where no two parties could lay their heads together to put in issue the reputation of high public characters, without the knowledge of the Attorney General, who would not fail to make his employers acquainted with what was going on, who would then, of course, exercise their discretion as to further proceedings. But there was another point which could be put forward in favour of this Bill. Noble Lords, not professional men, were likely to be led away by the argument of his noble and learned Friend on the Woolsack, when he alluded to attacks that might be made on the Government, utterly without foundation; and on proceedings being adopted against the libeller, and a part of the truth or something like the truth being given in evidence, a jury, under such circumstances, were likely to be led away by declamatory and inflammatory speeches of the counsel for the defence. Now, what was the case at present, when a man was defended in a case of libel? He would undertake to show, that the crime of which his noble and learned Friend complained was in force under the present state of the law. On this point he would appeal to the experience of his noble and learned Friend who introduced this Bill, to that of his noble and learned Friend the Lord Chief Justice, and to that of his noble and learned Friend on the Woolsack, as to whether what he was about to state was not uniformly the case in a case of libel. The alleged libeller came to consult his counsel as to the case. The counsel, on looking into the case, would say, "This is a very bad case of libel—there is a monstrous deal of malignity and venom in it, and you will go with a great deal of prejudice against you before a jury." And besides, it is probable that some young counsel who was present, and who had not much practice in the profession, would say, "Oh, it is very bad, for it charges a fact which is clearly false, and the jury will be up in arms against you, and you will very likely be sent to gaol for eighteen months," and this young counsel would add, "if it was only general declamation, we could say something about it, but the fact we can't overcome." "But oh," says the old counsel, who had years upon years been in the profession, and had probably grown gray in it, "that is the particularly strong part of our case, for we will assume these alleged facts to be all true." "How so," the young counsel would exclaim, "when we know them to be notoriously false." He (Lord Brougham) could think that he saw his noble and learned Friend when engaged in the profession, at some such consultation, and he knew what his reply would be in such case. Why, any old counsel would say, "We will tell the jury that we are precluded from giving evidence as to the truth of these alleged statements, but we are precluded in consequence of the iniquitous state of the law, from doing so; and if we were not excluded from doing so, the jury should see that there was good reason for the statement." This was the case in all libel cases, and it was always assumed by counsel that the case might be true. It always made an impression on the jury, when they were told that the law had shut out counsel from producing either evidence or documents in proof of the statement. He had known juries so strongly operated upon by statements of this kind, that they have found verdicts against the justice of the cases, because the state of the law was such as to expose them to be operated upon by all the arts of an able counsel, and that, by the fervour of the eloquence of the barrister for the defence, they were led away from the due consideration of the case. His noble and learned Friend had also complained of the hardship which would be imposed upon the Government by the law as it now stood; but he would ask whether they did not now always, in cases of libels on Government, go into court with a stain and impediment in their way in this respect; and when the counsel for the defence complained that it was impossible to answer the case for the prosecution satisfactorily, as the law would not allow him to prove the truth of the libel, and he rested on the assumption that he could prove the case, which no doubt made an impression on the jury; but if the party was afforded an opportunity of producing these alleged proofs, it would appear that nothing of the kind would be done. He would remind his noble Friend of a case which had already occurred. He would refer to the celebrated case of Sir Arthur Piggott, in which proceedings were taken by that learned person for a libel of a most abominable character on the then Government. This took place at the time that either the present Lord Grey or Mr. T. Grenville was First Lord of the Admiralty: the libel, which appeared in one of the then Opposition newspapers, alleged that the Government had sent troops on board ships to the West Indies which were not seaworthy. In the then and in the present state of the law, it would be utterly impossible for the Admiralty to say to the libeller, prove your case, for the law said in its wisdom that it would not allow any such proof to be adduced. Such an accusation against the Admiralty was a mere fiction in the brain of this libeller, and for which there was not a shadow of truth; but still, if that case had gone to trial, his counsel would have been enabled to avail himself of the argument of being precluded from giving evidence. This liability to being libelled was no doubt a grievance to every Government, but all Government lost at present, in such cases, in the opinion of the juries in consequence of this abuse in the law, by which the counsel for the defendant could turn round and complain most strongly that they would not allow a libeller to show that his charge was true. His noble and learned Friend said what a hard thing it was that a foreign prince should be libelled, and that in such case a defendant should have the opportunity afforded to him of proving the truth in justification; but what was the case now, and what course would be taken by the libeller prosecuted in such case? Why, exactly the same course that would be adopted in an action brought by the Government or a private party for libel—namely an appeal to the jury that the law did not permit them to prove the truth of the charge. Suppose any foreign prince charged with the Commission of a serious offence, and he (Lord Brougham) had to defend the person who had made this charge in some newspaper or pamphlet, the first thing that he should do would be to state that the nature of the law was such that he could not prove the truth of the charge; that there was no doubt but that some parts of the accusation were true, but that how much was true he could not tell. He could not tell them how much was true and how much was false, because the law excluded the truth of the matter from the cognizance of the court and the jury. This was a very great foundation for counsel to rest on in such cases, and they never failed to do much to raise strong impressions in the minds of the jury on such ground. Counsel almost uniformly mixed up a declaration and an assumption of the truth of the libel, with a constant reference to the unjust and oppressive state of the law. He had experienced this over and over again, and he found that this almost inevitably led the jury to a leaning towards an acquittal. He was counsel on one occasion in a case of libel on the clergy of Durham. The fact of the alleged libel could not be proved, and there was much vague declamation and vituperative language mixed up in it. The defence that he was obliged to make was, allusions and complaints as to the state of the law, which prevented any attempt at a proof of the truth of the case, and dwelling upon the state of such establishments as that of Durham, so richly endowed, and the resources of which were not expended in the most advantageous manner. He was obliged to make a statement of this kind to the jury in such a manner as to induce them to retire for three or four hours for the purpose of considering their verdict, for such appeared to them to be the obscure and difficult nature of the case, while in fact nothing could be clearer than the nature of the libel in itself, and all this difficulty arose from the state of the law; and the result was, that the jury returned a special verdict of such a character that it was rather more for than against the defendant, and the consequence was that he was at length enabled to get it set aside altogether. He confessed that in this case, but for the state of the law, instead of making a very long address to the jury, he did not think that he could have spoken for ten minutes on it. [The *Lord Chancellor* observed that he doubted that very much.] He proceeded to state that he recollected that Lord Erskine used to say, that since the jury had been made the judge of the law as well as the fact in cases of libel, the mouth of the counsel was stopped much more than before this change took place; and he (Lord Brougham) was satisfied that this would be found to be still more the case by allowing the opportunity of producing evidence as to the proof of the libel according to this Bill. In the case to which he had just alluded to, if the law had then been such as his noble Friend now proposed to make it, he should have been told, "You had the opportunity of proving the charge you made against the clergy of Durham, but you did not do so because you could not." Under such circumstances the jury would not have found the verdict which they did, but the party would have been declared guilty, and would have been brought up to receive judgment. It was well known that whatever excited public feeling against a prosecutor, was productive of sympathy in favour of a culprit. This led to great mischief. He had never seen a case of a man being brought up for judgment in case of libel where this was not more or less manifest. The public were too apt to say, if the man had been allowed to adduce evidence in support of his charge, who knows what case he might have proved? He feared even that this sometimes operated on the mind of the judge, and the consequence was, that the libeller had a higher punishment inflicted upon him than he ought to have had. This complaint of the whole of the law had much influence in cases of private libels, but it was infinitely stronger in cases of public libels. The object of this part of the Bill was not to give any private or public libeller an advantage as defendant, but that all the evidence should be admitted, and then let the whole go to the jury. His noble and learned Friend on the Woolsack said that by adopting this course they would be letting in a great deal of evidence at random, and the Bill was of such a vague character that the Act of last Session was liable to the same objection; and no one made an objection to it on this ground either in that House or in the Committee up stairs. He was most anxious that some such change in the law as was proposed in this Bill should take place, and he should deeply regret the rejection of the Bill. If his noble and learned Friend on the Woolsack thought that they should place foreign princes on the same footing, with respect to the proof of a libel, as the sovereign of this country, let him propose an alteration to that effect, although he (Lord Brougham) confessed that he did not see any necessity for any such provision. The reason why the Sovereign of this country was excepted in the Bill was, that the Sovereign was held to be impeccable, and, therefore, to allow proof to the contrary would be perfectly inconsistent, and would be quite incompatible with the constitutional doctrine of this country. He had stated his opinion on this point, and he had alluded to his own professional experience in the matter, and he would only add, that he was satisfied that all the objections which had been urged by his noble and learned Friend on the Woolsack applied to the law as it now stood, with respect to the effect of declamatory and excitable harangues made by counsel in addressing jurors for defendants in libel cases, and he was convinced that by such an Amendment as was now proposed, they would cut this rotten ground from under the feet both of counsel and libellers.

Lord *Denman* thought, that such an important alteration in the law as was proposed in the Bill now before their Lordships, should not have been brought forward without further consideration. His noble and learned Friend who had introduced the Bill, had said that the matter had been under consideration of a Committee of their Lordships for two years. Now, what were the facts of the case? At an early period of the last Session, his noble and learned Friend introduced a measure for the alteration of the law of libel; but subsequently, a Committee was appointed to inquire into the Law of Defamation and Libel, which, at a subsequent part of the Session, presented a Report, with evidence.

The Bill of his noble and learned Friend was then sent to a Committee up stairs, where it received much consideration, and it was returned to the House in a much more satisfactory state than the present Bill.

Lord *Brougham* observed that the whole question of the Law of Defamation and Libel was under the Consideration of the Committee.

Lord *Denman* said, that no doubt the general question of the law of Defamation and Libel was sent to the Committee, but not that part of the subject affecting seditious publications.

Lord *Brougham* remarked that this was embraced in the general question.

Lord *Denman* denied that this was the fact, for he had very recently read the evidence, and he could find nothing of the kind. But they had been told that this Bill was a corollary to the measure of last year. The fact, however, was, that the offence of sedition or seditious libel was a specific offence. His noble and learned Friend appeared to confine his view of this part of the law to one single branch of it, and that of the least importance, namely, to that which was called sedition some forty or fifty years ago, where every newspaper proprietor or publisher was at the tender mercy of the Attorney General—if in any such publication the conduct or the measures of the Government for the time being were discussed with any degree of freedom. Thank God! these times have gone by, and since Mr. Fox's Bill passed, no Attorney General would be stupid enough to bring before a jury such cases as were previously constantly sent to them, and no judge would charge a jury, as was formerly done in such cases, or if any judge did so, he would only lose his credit with the jury, and his verdict too. There was a remarkable case illustrative of this which occurred a few years after the passing of Mr. Fox's Bill. The case he alluded to occurred in 1810, and was a trial for a libel upon His Majesty George III. inserted in the *Morning Chronicle* newspaper. On that occasion, Mr. Lambert and Mr. Perry were charged with reflecting on the Government of George III., with respect to Ireland. The alleged libel was, "What a crowd of blessings rush upon one's mind that might be bestowed upon the country, in the event of a total change of system. Of all monarchs, indeed, since the Revolution, the successor of George III. will have the finest opportunity of becoming nobly popular." Mr. Perry, who defended himself, claimed the right of free discussion on the administration of public affairs, and on the conduct of public men engaged in them, and maintained that he was perfectly justified in thus alluding to the conduct of the Sovereign. Lord Ellenborough, on that occasion, fully admitted the right to the discussion of the measures of the Government of the Sovereign, and almost directed an acquittal on this principle. The example set in that case had been almost uniformly followed since that time. He thought, therefore, that in such proceedings in a case of libel, when a statement was true, and even if it was false, when it appeared that it was made *bona fide*—for a public writer could not be expected to know everything that occurred connected with a public event—that a jury would not now find a party guilty. But he would ask his noble and learned Friend whether the crime of sedition was not a crime of itself and unconnected with libel. It often happened that in such a case the country was excited in the extreme, and almost up in arms against the Government and the law; were they to adopt the course suggested by his noble and learned Friend in this Bill when the country was in this condition of danger from the state of excitement produced and kept up by seditious publications? Suppose any man chose to attack, in an inflammatory manner, at such a season, the noble Duke and his Colleagues, in the Government, and he was brought into a court of law to answer for his conduct, he would be able to say, if the Bill of his noble and learned Friend passed, that before he should meet the charge in the libel which had almost excited the people to rebellion, he had a right to subpœna witnesses to inquire into the character of any one of the Ministers; and who would have to pay these witnesses—for such a man was not very likely to be able to do so? And thus the whole proceedings in the charge against him would be stopped, while the whole country was almost in a state of civil war. This, he asserted, would be the case, and the man who had raised the people almost to rebellion, would be able to take his stand in a court of justice as a person who had himself been injured. This was not an improbable state of things, and was it one which should be encouraged? However, in proceedings in libel cases, there was no consideration whatever to be had for the prosecutor. Would the Legislature allow a libeller to pursue a man with accusations, even if true? Was it to be borne, that because a man some years ago had been found guilty of a misdemeanor, he might be attacked in every way, and the whole of his life rendered miserable by such attacks? If the liberty of the press was thus to be maintained, they would find, as was observed by Dr. Franklin, that men thus attacked, would resort to "the liberty of the cudgel." If such a state of things was to be allowed, men would resort to those means of defence from such attacks as God had given them. He was convinced that his noble and learned Friend was going too far; and he believed, that if his measure was carried, it would prove injurious in every point of view. His noble and learned Friend (Lord Brougham) had said, that in the present state of the law, by which the truth of a libel could not be received in evidence, the counsel for the libeller had an advantage from the assumption that the charge in the libel was true, but that he was not allowed to prove it. His noble and learned Friend must certainly have rather an odd opinion of juries, when he supposed that they would be influenced in favour of a defence, in a case where the facts alleged in the libel are notoriously false, merely because counsel were to say that he could prove them to be true if he had the opportunity. He must also own that the argument of his noble and learned Friend (Lord Campbell), with respect to the extent of the provisions of the Bill of last year, made him very much doubt the propriety of having extended the law as far as they then did. If the provisions of that Bill were to be carried to the extent assumed by his noble and learned Friend, it was very doubtful to him whether the Legislature had not gone much farther than it was aware of. His noble and learned Friend said that that Bill had done much to improve the character of the press, and above all as regarded the conduct of those who were tainted as habitual libellers. He could not help feeling, when his noble and learned Friend thus said that great and manifest benefits had resulted from his Bill, that he (Lord Campbell) had not the sanction of time to justify him in making such an assertion. It should be remembered that the proceedings in nearly all the cases of libel which had been taken recently had been in conformity with the old law. It must be in the recollection of the House that a series of libels of the most abominable and scandalous description had been published on the character of a foreign prince, residing in this country, and of which parties had recently been convicted. He asked, however, whether it was decent and to be tolerated, that this paper week after week calumniating, in the most gross and hateful terms an illustrious person—was it to be borne, that this libeller should be allowed, when brought into court, to say, "Oh, I shall call my witnesses. I am able to show that that illustrious person has been guilty of the hateful crimes imputed to him." Were such great advantages to be extended to the libeller, and impediments to be thrown in the course of the person libelled? With respect to what had been said as to the readiness of parties libelled to give evidence and aid to the Attorney-General to prosecute the libeller, it might happen, on a change of Government, that an Attorney-General might not have all the feelings to carry on a prosecution commenced by his predecessor for an attack on the former Government. He would refer to the case which had already been mentioned that evening, namely, the proceedings instituted by Sir Arthur Piggott, when Attorney-General, against a paper which had been connected in some way with the previous Government, for a libel on the then Board of Admiralty. On that occasion Sir Arthur Piggott filed an *ex officio* information against this newspaper, but the Attorney General of the succeeding Government did not think it proper to go on with the proceedings, and the case was not brought to trial, and it was said that this had taken place in consequence of the interference of the new Government. He must be allowed to say, that he took the liberty of thinking that Sir Arthur Piggott did wrong in filing an *ex officio* information, for he might have taken another course, namely, by proceeding on a criminal information, which must have been founded on affidavits, stating the falsehood of the alleged facts. If Sir Arthur Piggott had come into Court with direct affidavits, showing that the matter charged in the libel was altogether false, his belief was, that the case would have been proceeded with and the parties found guilty. He could not sit down without alluding to the opinion on the subject which his noble and learned Friend had stated, was entertained by a predecessor of his (Lord Denman)—whose memory he must ever regard with the greatest respect—he alluded to Chief Justice Holt. His noble and learned Friend had stated, that that eminent and learned Judge had admitted evidence as to the truth of a libel. He believed his noble and learned Friend alluded to the case of the prosecution of Fuller, at the instigation of the House of of Lords, and which was published in the State Trials:—but that was for cheat and imposture.

Lord *Campbell* observed, that if his noble and learned Friend would refer to the case, he would find that Fuller was prosecuted for a libel.

Lord *Denman* said, that the charge directly against him, was, that he was a cheat and impostor. In the course of the trial he was repeatedly designated a cheat and impostor, and was charged with endeavouring to get and obtain money fraudulently and deceitfully from the King. Chief Justice Holt asked him,

> "Have you any counsel? Fuller: No, my Lord; I have none. I have no money to procure counsel. I have put my thoughts in writing, and I beg leave to read it. Chief Justice Holt: but you must speak to the purpose, what do you say concerning the publishing these books? Fuller: That is what I have to offer. Chief Justice Holt: Can you make it appear that they are true? Fuller: my Lord, I hope I shall. Chief Justice Holt: Have you any witnesses? Fuller: I have none here at present; but if your Lordship will please to hear the terms upon which the witnesses would have come in, I can produce them. If your Lordship will grant your warrant for Jones, I will forfeit my life if he appear not. Chief Justice Holt: You might have had subpœnas for your witnesses against this day."

This, he presumed, was what his noble and learned Friend alluded to as to Chief Justice Holt admitting the proof of the truth of a libel; but the proceedings in this case was against Fuller for being a cheat and impostor, and for endeavouring to extort money, and he was afforded the opportunity to disprove this charge. The record stated that the prisoner had sought "*falsò et illicitè deludere, decipere et defraudere.*" He did not believe that Chief Justice Holt entertained the opinion imputed to him by his noble and learned Friend on the subject, for some of the decisions of that learned Judge in cases of libel, showed that he, with the other Judges of that age, took a very narrow view of it, as in the case of the King *v.* Bere, where a person was proceeded against for merely having in his possession some libellous matter. This was in 1692, and the learned Judge took it down that the truth or falsehood of the matter made no difference, for all that the jury had to consider was, the probability of its tending to the disturbance of the public peace. He believed that the first case in which the truth or falsehood of a libel was allowed to be canvassed, was that of Underwood *v.* Parkes, reported in Strange, and which occurred about 100 years ago, when the truth was allowed to be pleaded in justification, and the principle has since usually been acted upon, and no one was likely to bring an action for a libel on his character, whose character would not bear the strictest investigation. His noble and learned Friend, when he brought in his Bill last year, drew a broad distinction, as to the proof of the truth of a libel, between a person who had maliciously or malignantly published it, or one who had not. His noble and learned Friend then repudiated the notion, that because a libel was true, parties might be enabled for years to prosecute an individual by its constant repetition. He again must complain that this great change was proposed to be introduced without sufficient consideration. No doubt there had been a Committee up stairs on this Bill, but it was rather a Committee to put the Bill into a proper form, than to consider the important principles involved in it. His noble and learned Friend had asked the opinion of the Judges on this Bill, and he (Lord Denman) happened to know that many of the Judges had given their opinion on it to his noble and learned Friend, and he believed that there was not one of them—at least that he had heard of — who did not agree as to the impropriety of this Bill, and no doubt those learned persons had given good reasons for withholding their approval. It had been said that judges were opposed to reforms of the law; this certainly could not be said of the present judicial personages, who had always evinced a ready desire to accept of any thing that really could be regarded as a beneficial reform. In the present Bill there was an omission of what he certainly should have thought would have been a most material thing to consider—namely, as to connivance in publishing seditious libels. With regard to attacks on private character—in the first place, the party was at liberty to prove the truth by such evidence as he could bring; and in the second place, it might be shown that it was a public benefit that the truth should be disclosed. He certainly thought as to a public libel, that the second consideration was most indispensable, but he found it was omitted by his noble and learned Friend. One of the judges had suggested to him an extraordinary omission in the Bill—namely, the omission of the name of the Sovereign. Was it really to be said that the character and feelings of the Sovereign, and the conduct of the Sovereign were to be exposed to the canvassing in a court of justice? And might the nearest relations and dearest connections be attacked, and every person who uttered a seditious libel by word or mouth, or in writing, be at liberty to call from the interior of the palace witnesses to prove in general terms what he thought proper to utter—for he was not obliged to give evidence of specific facts, but merely to give proof in general terms? A fact might be stated of a general nature, and he was then to give a notice of the general circumstances by which he sought to establish his general imputation. Supposing that to be done with reference to the character of those who were nearest to the Sovereign, was it possible that they could be brought into a court of justice without the Sovereign being implicated? He thought that would be a result much to be deplored. He felt extremely unwilling to say that the truth of what was called a libel might not be given in evidence, in mitigation of punishment that might be inflicted. He was not prepared to say that in all cases it should be altogether excluded, but he thought the particular modes and occasions in which it ought to be allowed should have been much more fully considered and defined, and it should not have been left to the option of the individual who was charged with the offence, to call into question the character of any one of his fellow subjects, merely because he had committed a crime. Although in his evidence before the Committee he had expressed his opinion, that for certain libels the truth might be put in issue, he could not go the length of the present measure, which certainly had not been very maturely considered. It was a most serious and important change in the law, and demanded the deepest deliberation. This it did not seem to have received, and the present measure he thought was open to such serious objections, that he felt called upon to oppose it.

Lord *Campbell*, in reply, said, that their Lordships were called upon to reverse their unanimous decision of last Session. Almost every word which had fallen from his noble and learned Friend on the Woolsack would apply to the Bill of last year; and, without its being said that that measure had worked amiss, they were called upon to censure and condemn it. His noble and learned Friend who last spoke acknowledged that the Bill had so far been beneficial to the public; but his noble and learned Friend said, they had not proceeded with due deliberation: he was, however, mistaken on that subject, for the Committee of last year was appointed generally to consider the Law of Libel, and they examined witnesses, particularly his noble and learned Friend, who had left the House, and, with the exception of his noble and learned Friend, who had last addressed the House, it was the unanimous opinion of all who were examined, that truth should be an ingredient for the consideration of the jury in all cases. It was their deliberate opinion, and it was upon the strength of that opinion that the Bill of last Session was passed. But, said his noble and learned Friend, libel was a crime merely because it assailed that which a citizen in every well-regulated society ought to be allowed to enjoy—his reputation. Libel, he said, was a crime just as theft was a crime; theft was a crime because the thief deprived a man of the property which he had a right to enjoy, and libel was a crime because it deprived him of the character to which he was entitled; but they could not know whether that character was true or false, in what degree it had been violated, and whether the character had a right to come into a court of justice for redress at all or not. His noble and learned Friend said there was no occasion for that Bill, because the truth might be ascertained by applying to the Court of Queen's Bench for a criminal information. In some cases that might be of service, but he would remind him that with regard to public libellers prosecuted by the Attorney General, there was no remedy at all, for his learned predecessor, Lord Kenyon, told the Attorney General that he should not apply to the Court, as he had the power to file an *ex officio* information, and he would not hear him in the Court of Queen's Bench; and although the party who made the imputation might have the most ample grounds for bringing it forward, if he applied to the Court of Queen's Bench for a criminal information he had no means of compelling the party upon whose knowledge he had obtained the facts, to make an affidavit; that could only be done voluntarily. But, then, his noble and learned Friend was greatly alarmed because of the reputation of Lord Chief Justice Holt, and he said that he (Lord Campbell) was mistaken with regard to the King and Buller. He had, however, referred to it, and he found that it was an information for a libel, and he believed it was a libel upon the memory of King William, and in that case not only did Lord Chief Justice Holt say that he would admit evidence of truth, but he called again and again upon the defendant to prove the charges, intimating that if he could do so he would direct the jury to find a verdict of not guilty. His noble and learned Friend had referred to those most infamous libels against the Duke of Brunswick; but would not those convictions have been still more satisfactory if an opportunity had been allowed of proving the fact which those libels imputed? He would remind his noble and learned Friend of the proceeding of an illustrious Prince—now the Sovereign of a foreign country—he meant the King of Hanover—upon whose character there had been an infamous imputation cast; but he appeared before a jury, he went into the witness box, and utterly denied every particle of the imputation; and he thus afforded an opportunity to show the truth, if there had been any truth in the charge. The consequence was, that he entirely put an end to the calumny; and from that hour to this, no one had been found to repeat the infamous charge. His noble and learned Friend had also said, that there was no occasion now for any improvement in the law, on account of the great mildness with which it was administered. He did not wish to say anything offensive; but he could not quite agree with his noble and learned Friend. Look at the cases which occurred in the time of Sir Vicary Gibbs, and amongst others, that of Mary Vincent, who was obliged to appear on the floor of the Queen's Bench, and to plead guilty to a libel in a newspaper which partly belonged to her, she not having read a newspaper for seven years before. His noble and learned Friend said that they might safely trust a jury, but he (Lord Campbell), without depreciating the value of Trial by Jury, thought a great deal too much discretion was left to juries in cases of libel, and the law was not sufficiently defined. If the jury were to be trusted as the law at present stood, why might they not be trusted with hearing evidence respecting the truth or falsehood of facts, and have it left to them to determine whether the defendant had been actuated by laudable or malicious motives, and whether the tendency of the imputed libel was beneficial to the public or not? Both his noble and learned Friends had evaded the evils which arose from the present system, and the arguments, which went to show that by the present system great injustice was done; and they had only pointed out the inconvenience which an alteration in the law would occasion. After the declaration made by his noble and learned Friend on the Woolsack, supported as it had been by his noble and learned Friend the Chief Justice, he very much apprehended the fate of the Bill, and it was possible that their Lordships might, by an overwhelming majority, repudiate the principle of which they had unanimously approved last Session; but still he would divide the House, and it must not be supposed that noble Lords who were absent were indifferent about this Bill. His noble and learned Friend on the Woolsack had said, that Lord Cottenham would disapprove of the Bill if he were present, but he (Lord Campbell) believed that he was absent because he thought the Bill was secure, for he could not suppose that the noble and learned Lord on the Woolsack would be guilty of such gross inconsistency as to ask their Lordships to contradict this Session what they had approved last Session. But his noble and learned Friend (Lord Brougham) could not be said to be inimical to the Bill because he had left the House—and although he deplored his absence, he should persist in dividing the House.

Their Lordships then divided:—Contents 3; Not-Contents 33: Majority 30.

The Bill was consequently lost.

SEES OF ST. ASAPH AND BANGOR.] Lord *Wharncliffe*, as Chairman, reported from the Select Committee appointed to inquire as to the necessity of the Royal Consent being given to the above Bill, that such consent was necessary, and that it had been the custom of the House to receive such consent at various stages of the Bill.

House adjourned.

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HOUSE OF COMMONS,

Friday, July 5, 1844.

MINUTES.] BILLS. *Public.*—1°. Merchant Seamen; Controverted Elections; Slaughtering Horses.

2°. Assessed Taxes Composition.

3°. and passed:—Customs Duties (Isle of Man).

Private.—1°. Ramsden's Estate.

Reported.—Earl of Guilford's Estate.

PETITIONS PRESENTED. By Lord Ashley, from a Congregation in Ireland, for Legalizing Presbyterian Marriages.—By Mr. Acland, from Somersetshire (3), against Repeal of the Corn Laws.—By Mr. Ewart, from Paisley, for a Tax on Steam-Sawing Machinery.—By Mr. Fielden, from C. Williams, respecting Annuities.—By Lord Ashley, from Airdree, against the Truck System.—By several hon. Members (7), respecting the Poor Law.—By Lord Ashley, from Glasgow (2), respecting Promiscuous Intercourse. — By Sir J. Easthope, and Mr. Stuart Wortley, from Railway Companies, against Railways Bill.—By Sir J. Easthope, from E. O'Farrell, for Inquiry into State of Ireland.

POOR LAW AMENDMENT.] On the Motion of Sir *J. Graham* the House then went into Committee on the Poor Law Amendment Bill.

The 1st Clause was then agreed to.

On the 2nd Clause, giving power to the mother of a bastard child to summon the putative father to Petty Sessions, with a view to compel him to support the child,

Mr. *T. Duncombe* inquired whether the Government did not think that the term within which the mother of a bastard child could under this Clause summon a putative father was too short? By the Clause the term was limited to six months after the birth of the child, but he thought it ought to be extended to twelve months.

Sir *J. Graham*, before answering the question of the hon. Member, alluded to an Amendment of which the hon. and gallant Officer (Colonel Sibthorp) had given notice, relating to abolishing the Poor Law Commission, and said that it would be still competent for the gallant Member to bring it forward at the end of the Committee. In reference to the question just put to him, he was bound to state, that after consideration, he thought the limit of six months was perhaps too short; and he should not object, if it met with the general concurrence of the House, to extend the period from six months to twelve months. He therefore moved that "six months" be omitted, and "twelve months" inserted.

Colonel *Sibthorp* complained of the manner in which he had been treated. In common candour and decency, he ought to have been informed of the proper period for bringing forward his Motion. As to future opportunities, when, he should like to know, would they arrive? Besides, what had occurred had taught him a lesson, not to depend on the promises of the right hon. Baronet.

Amendment adopted.

Mr. *J. Stuart Wortley* proposed an Amendment, to the effect that the mother might also summon the putative father "at any time after the twelve months subsequent to the birth of the child, upon satisfactory proof that the man alleged to be the father has admitted the truth of such allegation." He said that the father might voluntarily agree to give the mother an allowance for twelve months; and he thought that this voluntary payment might be taken as a proof of his being the father, even after the period of twelve months had expired.

Sir *J. Graham* opposed the Amendment.

Mr. *Tatton Egerton* said, that the father might pay a sort of hush-money for twelve months, and that, if after that period he ceased the payment, the mother under the present Clause would have no remedy against him. He suggested the addition of a few words to the Amendment, so that it would run as follows:—"Upon satisfactory proof that the man alleged to be the father has admitted the truth of such allegation, by payment of money."

Mr. *Escott* said, that this was a most important part of the Bill. His opinion had been in favour of limiting the term to six months rather than twelve months; but he now believed there was good reason for adopting the larger term. However, he thought that the present Amendment, if carried, would renew the most objectionable parts of the old bastardy system.

Sir *J. Graham* said, that the principle of the Clauses was to give every facility to the mother for obtaining her remedy against the putative father, not through the medium of the parish officer, but by directing a summary remedy as of debt against the putative father, and he solemnly declared that the Clause was sincerely and honestly brought forward. He was anxious and willing to discuss any Amendments, from whatever quarter they might come, provided they were consistent with justice, and tended to carry out the principle of the Clause. As to the Amendment of the hon. Member for the West Riding of Yorkshire, he would state that he objected to the words "at any time thereafter," without any limitation. He thought the suggestion of the hon. Member for North Cheshire (Mr. T. Egerton) was less objectionable.

Mr. *Henley* did not mean to say that the Government were wilfully deluding the country by introducing these Clauses. As far as experience went, he believed it was the fact, that not *5s.* of the money which was spent under the bastardy orders of the old law were ever recovered. The evidence of the Commissioners, which was the foundation of the New Poor law, showed that it was quite a losing account, and he now thought these Clauses would not have the effect intended, that was to say, they would not give such a remedy to the woman as would reasonably enable her to maintain her bastard child, and so keep her out of the union-house, which was a nuisance to all classes of persons in her circumstances.

Captain *Rous* thought this Clause was a premium for perjury; many an abandoned woman would make a profit by swearing other women's children against a man.

Sir *J. Graham* would propose to insert these words in line 19,—" Or any time thereafter, on proof that the alleged father of such child, within twelve months after the birth of such child, had paid money for its maintenance."

This Amendment was agreed to.

Clause agreed to.

Clause 3, authorizing justices in Petty Sessions to make an order on the putative father for maintenance and costs.

In the 31st line, in which it was enacted that the case should be heard before two justices,

Mr. *B. Denison* proposed to substitute three for two. His object in proposing this Amendment was to force the way for the rejection of the Appeal Clause, of which he intended to propose the omission. His opinion was, that unless that Clause was struck out, all this part of the Bill would be totally inoperative. In the first place, this Appeal Clause threw upon the woman for the first time the responsibility and cost of defending herself. Hitherto she had been defended by the parish, now she was to conduct her own defence; and he put it to the common sense of Parliament, what chance had a poor woman, with a child, friendless, in the presence of strange magistrates — against a father backed by a sharp attorney ready to take every advantage? There were few women, he believed, who would venture upon the *exposé*, and it was his decided opinion, that if they left the Clause as it stood, they might as well burn the Bill at once. With these feelings he would propose, in order to make the adjudication of the magistrates a final adjudication, that the case should be heard before three instead of two Justices of the Peace.

Mr. *T. G. B. Estcourt* said, that the hon. Member had not said one word to show that the old, acknowledged, and recognised tribunal of the Petty Sessions was insufficient for the trial of such an offence. For his own part, he had always found that the more Judges there were the less was the responsibility, and he really saw no reason for arriving at the conclusion that two magistrates were not quite sufficient.

Colonel *Wood* said, it was a mistake to suppose that two magistrates always constituted a petty session. For the purpose of auditing accounts under the Common Fields Enclosure Bill three magistrates were requisite to form a petty sessions, and, if so many were necessary for such a purpose as that, surely an equal number was required for the purpose of affiliating a child against whose affiliation there was an appeal. In the event, too, of any difference of opinion between the magistrates, no affiliation could be made without the presence of a third, and in that case the woman would be saddled with the keep of the child.

Sir *J. Graham* was disposed to think the affiliation Clause a very important subject of consideration, but certainly he could not see that any greater security would be obtained by the substitution of the Amendment now proposed by the hon. Member. The judgment of three magistrates was not likely to be more sound than the judgment of two, and he really did hope that the Amendment would not be pressed; but that the hon. Gentleman would permit them to put the question whether there should be an appeal or not.

Amendment withdrawn.

Mr. *P. Borthwick* observed that, as the Clause stood, the mother of an illegitimate child was necessitated to receive the weekly sum awarded by the magistrates from the father of her child. Now, that would bring her into a weekly contact with her seducer, which might be dangerous. She might, and in all probability would become the mother of two or three illegitimate children consecutively, instead of one. Would it not be infinitely better that the allowance should be paid by or through the overseer.

Mr. *B. Escott* said, he had practised formerly at sessions, and he had seen a great many cases of hardship upon the fathers of illegitimate children. Now, this Clause would give the power of committing the father of a child for three months in the event of non-payment of arrears due to the mother and of there being no goods on which to distrain. He would like to know what good reason could be given for attempting to inflict such a punishment upon the father, and he expressed great doubt if such an exercise of power was consistent with the principles of the Constitution.

Sir *J. Graham* was satisfied that, unless there existed a penalty upon the person these Clauses would be entirely inoperative. His experience led him to the conclusion that the remedies of the mother would be entirely nugatory without such a power was given by the law.

Clause agreed to.

On Clause 4 being put,

Mr. *B. Dennison* moved to omit all the words in the Clause after line 7—that is to say, every part of it relating to the appeal to the quarter sessions from the decision of the magistrates.

Colonel *Rolleston* would not trouble the Committee by recapitulating the arguments which he had already urged in support of the alteration which he had proposed, but should simply confine himself to the expression of a hope that justice would be done to the woman who should be placed in the circumstances contemplated by the Clause. His only object was to prevent the man from escaping from the consequences of his conduct, in consequence of the inability of the woman owing to her poverty, to prosecute her claim against him at quarter sessions. If the Clause remained as it now stood, this result would happen in nine cases out of ten.

Mr. *P. Borthwick* hoped the suggestion thrown out by the last hon. speaker would be adopted. It would be wholly impossible for the unfortunate woman to raise such a sum as would be requisite to enable her to prosecute her claim at the quarter sessions. The cost of making an appeal could not be estimated at less than 4*l.* 10*s.*; and how, in the name of fortune, was a poor woman, in such circumstances to procure this sum? The power of appeal would altogether nullify the intentions of the right hon. Baronet in framing the Clause, and he hoped that he would remove it from the Bill. It was far better, in his opinion, that a little evil should be endured on one side than that a great one should be sustained by the other.

Mr. *B. Hawes* said, that the woman under the circumstances contemplated would have already obtained all that could be desired for her. The decision of the magistrates in petty sessions being in her favour was conclusive, unless the man wished to have the opinion of the superior court, in which case he might carry it at his own expense to the quarter sessions.

Sir *J. Graham* said, that great caution was requisite in considering the point in question, and hon. Members must guard against allowing their feelings to guide their judgment. If extraordinary facilities for recovering the sum awarded for the maintenance of her illegitimate child were to be granted to a woman, the Bill would have a demoralizing effect. For himself, he confessed he was generally in favour of granting an appeal to quarter sessions from the decision of magistrates in petty sessions. A revision of such decisions in open court, where there was a bar to watch over the conduct of the magistrates, and public opinion to check it, operated as a most wholesome provision against injustice being done in the petty sessions. The 3rd Clause of the Act gives the magistrates in petty sessions power to fix a poor labourer with the sum of 2*s.* 6*d.* a week for the support of his child during thirteen years, and it was therefore advisable to proceed with caution before such a burthen should be irrevocably placed on a person in the situation of a labouring man, and means ought to be afforded to the latter to remove it from himself if he could show that he was not justly liable to it. For that purpose the appeal to the quarter sessions had been devised, and his (Sir J. Graham's) only doubt in the matter was whether the rich man would not alone benefit by his ability to carry the proceedings into the superior court, and thus defeat his unfortunate suitor.

Mr. *Wakley* asked the right hon. Baronet what the views were by which he had been guided in framing the Bill, as it at present stood; and why the appeal was given to the man only, and not to the woman?

Sir *J. Graham* said, that he considered, on the whole, it not to be an advantage, if the woman were to have the power on her side of carrying an appeal from the petty sessions to the quarter sessions, and of supporting her claim against the putative father, by producing corroborative evidence of her shame. The whole feelings of the country were opposed to such a course as that of permitting a woman, under these circumstances, to come forward and produce confirmatory testimony to her own shame, before a crowded court. On the whole, therefore, the legislation which had formerly prevailed upon this matter had been deliberately departed from, and as far as the woman's claim was concerned, the decision in the petty sessions was final.

Mr. *B. Escott* said, the reason why the appeal was one-sided was because the punishment was all on one side. The penalty awarded by the law to the offence was a very heavy one, considering the circumstances and position of the labouring man; and, therefore, he had a right to appeal from the decision which fixed it on him, to the superior court. He had seen so much of the proceedings of magistrates in petty sessions, that he should be very loathe to do anything that would extend their power.

Mr. *Wakley* did not think that the right hon. Baronet had given a satisfactory answer to his question. The hon. Member who spoke last had asserted that all the punishment was on the side of the man. Did he mean to say, the woman endured no punishment? What did the Act say? That if a woman failed to support her illegitimate child she was liable to be treated as a rogue and a vagabond, under the Act of George III. A woman ought to have the right of appeal to quarter sessions, if the magistrates at petty sessions refused to grant her an order of affiliation. She would never dare to face the bench at quarter sessions if she had not justice on her side. He therefore requested the right hon. Baronet to introduce into the Clause a right of appeal for the woman as well as for the man, or else a great deal of discontent would be created by this measure out of doors.

Sir *J. Graham* said, that appeals were rare under the Act existing prior to 1834, because the appellant had to fight against the parish and the poor rates; but, under the present law, all that a man had to resist was the resources of the mother and her friends. He must, however, again repeat, that after full deliberation he was inclined to maintain the Clause.

Mr. *Wakley* would ask whether the victims of misfortune who came within this Act were to be left without an appeal against the decision of the magistrates where their decision had been unjust? It was their bounden duty in such cases, after what they had heard as to the feelings against the present law, and the horrible results of throwing the maintenance of the child upon the woman, not to give to the man an advantage which they withheld from the woman. With an infant at her breast, her character ruined, how was she to obtain a livelihood? And what was one of the results of throwing the burthen of maintenance of the child upon the woman? Child murder! Could it be denied? The coroners of the country could assert the truth of it. It was only the day before yesterday that he saw as fine an infant as was ever seen, which had been picked up in Oxford Street, within 200 yards of his own house. Scarcely a week passed that he did not meet with an instance of the kind. He had sometimes seen two or three a-day, and frequently several in a week. The juries were horrified—they were disgusted with the law and with that House. And what was the House now doing to amend the law? They said that two justices should decide whether an order should be made on the putative father; and suppose they made an order on the father for the maintenance of the child—and a most miserable maintenance it was—only 2*s.* 6*d*, a week—they would give to the father a right of appeal against a decision, but to the mother they would give no right of appeal when the decision was against her. The decision of two judges was to be final against the woman, but not so as to the man; and that was the mode in which they proposed to remedy the law and satisfy the public. He was convinced there was so much injustice in the proposition, that it would inflame the public mind. The justice of the case was so obvious, clear, distinct, and self-evident, that no show of mysterious argument would deceive the public with reference to it. What was the consequence of the present law? That child-murder was going on to a frightful extent, to an enormous, a perfectly incredible extent: and the means of destruction in a number of cases was such as to make detection impossible. There were no means of detecting it; children were brought from some place in a distant part of the country and deposited near the terminus of a railway. The body was found, an inquest was held, in some cases death by violent means was found; in others, not so, but in scarcely an instance were there any means of discovering by whom it was deposited, so adroitly was it managed. But was it not an object in amending the law, to remove from the woman the temptation of committing so horrible a crime as child murder? He hoped, then, that the House would not make the law one-sided, but would give to the woman the same power of appeal as to the man. He was disposed to ask the right hon. Gentleman who had treated this subject with so much ability and fairness, that the Clause might be postponed for re-consideration; because he was persuaded that if the right hon. Gentleman investigated the subject, he would be so convinced of the injustice of the present law towards the woman, that he would not leave it as it now stood.

Mr. *B. Denison* said, under all the evils which the hon. Member for Finsbury had pointed out in this case, he proposed to put the woman who wanted assistance, in such a situation that she could not obtain it. If two magistrates at petty sessions made an order against A., B., C., or D., and he appealed against it, the remedy the woman had was to go to the quarter sessions; and she, coming out of the workhouse perhaps, had to go to the quarter sessions in some other part of the county, and then she might be kept for a week together at her own expense—that being to his own knowledge, not less than 10*l*. or 12*l*. If they agreed to mitigate the severity of the present Poor Law as regarded these Bastardy Clauses, they would act like men of common sense, and put the woman in a condition to have justice done to her, and not to give her a remedy in words which practically would be of no advantage to her.

Mr. *Wakley* said, the hon. Member for Yorkshire had argued this question as though he (Mr. Wakley) had originally proposed an appeal to the quarter sessions. Now, he knew that sometimes an appeal from the petty sessions to the quarter sessions was from Noodle to Doodle; but when Doodle was under the guidance of an intelligent bar, he might gain an infusion of mind that might lead him in the right direction. If magistrates were as wise and sagacious in their judgments as the hon. Member for Yorkshire, he should not fear their decisions; but it was known that persons were made magistrates, not because they were competent to discharge that office, but because they had friends who had influence with the Government; and, therefore, that Noodle or Doodle, in all great families, being troublesome at home, found employment as a magistrate and dealing with the poor. He contended that it had been so; and if it had not been for the conduct of the magistrates in the mal-administration of the Act of Elizabeth, they would not then have been discussing this question in the House of Commons. It was in consequence of the mal-administration of that most excellent law by incompetent persons that they had been thrown into all this difficulty. He again insisted, that if they were to give to a man upon whom an order was made, a power of appealing to the quarter sessions, they should not withhold that appeal from a poor woman, with regard to whom that order had been deliberately and pertinaciously refused.

Sir *J. Graham* said, this Clause was sufficiently difficult without any extraneous matter being introduced into it. Various questions had been referred to which it was not the duty of the House at that time to consider. With regard to the statement of the hon. Member for Finsbury, as to the increase of infanticide, he must deny its accuracy. Returns had been made upon that very subject from various counties both manufacturing and rural, and both for a period before and since the passing of the New Poor Law. The variation was extreme in many counties; but the result did not sustain any theory of the increase of infanticide. He could understand, though he would not say that such was the effect of the existing law, that the difficulty of obtaining any maintenance for the child might lead to such a crime: but, when the simple question was, whether the decision of the magistrates should be final or not, he could not think that that would be a feather in the scale with the mother whether she should sacrifice the life of her child; but he had already said how nicely balanced the question was, and how wavering his own judgment was upon this point. He thought there were strong reasons why, according to the present system of our jurisprudence, it would not be possible to give an appeal to the quarter sessions, because there might be no *res gestæ* in decision upon which any appeal could be rested. If the justices in petty session refused, on the application of the mother, to grant an order on the person alleged to be the father of the child, the proviso precluded such magistrates, or any other justices, from reconsidering the case. He would suggest to the Committee, whether the omission of that proviso might not meet some of the objections urged against the Clause.

Mr. *B. Denison* expressed his satisfaction that the right hon. Baronet (Sir J. Graham) was inclined to give the mothers of illegitimate children an opportunity of obtaining a reconsideration of their cases, after decisions had been given against them by the justices; but this concession did not meet his objection to the Clause. The objection he (Mr. Denison) took was this—that if, after an order had been made upon the man for the maintenance of an illegitimate child he entered an appeal, it was in most cases impossible for the mother to sustain the order. He would remind the Committee that, in many cases, the mother might have just come out of the workhouse without a penny in her pocket; she might obtain, from the justices in petty sessions, an order upon the alleged father of her child; but, an attorney might recommend the man to enter an appeal, and, if the appeal were prosecuted at the quarter sessions, how was the unfortunate woman to obtain funds to support her case.

Mr. *Cripps* considered that such statements as had been made to-night on the subject of infanticide—especially when proceeding from individuals who had access to the best sources of information, as was the case with the hon. Member for Finsbury (Mr. Wakley)—had a very unfortunate tendency. Now, he put it to the hon. Member for Finsbury, whether he could deliberately assert that, within his own knowledge, the crime of infanticide was on the increase. He might state that when the Commission, of which he had the honour to be a Member, was prosecuting inquiries in Wales, one of the first grievances brought before them by gentlemen, by magistrates, by people of all classes, was this that the crime of infanticide was enormously upon the increase. The Commissioners thought there might be just grounds for this statement, and they took great pains to investigate the subject. They sent for coroners, for magistrates' clerks, for registrars—indeed for all persons from whom they thought they might gain information; and, if there was one subject they investigated more carefully and anxiously than another, it was this—whether the crime of infanticide had increased under the administration of the New Poor Law? That was negatived most directly and distinctly by all the authorities the Commissioners examined. Of course, if the hon. Member for Finsbury (Mr. Wakley) said, that, within his own knowledge, infanticide had increased, he could not dispute the assertion; but, certainly, in those districts in which he had had any opportunity of instituting inquiries on the subject, he had found that this evil was diminishing.

Mr. *Estcourt* said, if the proviso of this Clause were omitted, a woman might make application after application to magistrates for an order upon the alleged father of her child, until she succeeded in her object. This was a subject of considerable difficulty; but he considered it was essentially necessary, to further the ends of justice, that men should possess a power of appeal in cases of this nature. For his own part, he believed that in many cases when orders were made upon men for the maintenance of illegitimate children, they would find great difficulty in prosecuting appeals at quarter sessions. The Committee must also remember that it was the interest of the parishes to which the mothers of illegitimate children were chargeable that the adjudication in case of appeal should be in favour of the woman; and there could be little doubt, therefore, that (at all events in the great majority of cases) the parishes would assist women in endeavouring to obtain a confirmation of orders of maintenance. He hoped that the right hon. Baronet (Sir J. Graham) would retain the Clause as it stood at present.

Sir *J. Graham* said, that if, as was proposed by his hon. Friend, the words in this Clause by which a power of appeal was given to the man were omitted, he (Sir James Graham) would propose to retain the proviso. If, on the other hand, the words giving the power of appeal were agreed to, he would consent to strike out the proviso.

Mr. *P. Borthwick* was understood to say that, admitting the difficulties with which this subject was encompassed, he would have been much better satisfied if the right hon. Baronet had agreed to postpone this Clause, in order to give the matter more mature consideration. His objection to the Clause was, that it would be inoperative for good, and that it might and would be operative for evil.

The Committee divided on the question that the words proposed to be left out by Mr. B. Denison, relative to the power of appeal, stand part of the Clause:—Ayes 84; Noes 40: Majority 44.

List of the AYES.

Acland, T. D.
Arkwright, G.
Baillie, Col.
Baird, W.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Benett, J.
Bentinck, Lord G.
Boldero, H. G.
Bowles, Adm.
Boyd, J.
Cavendish, hn. G. H.
Childers, J. W.
Christopher, R. A.
Clay, Sir W.
Clerk, Sir G.
Collett, W. R.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Dickinson, F. H.
Duncan, G.
Escott, B.
Estcourt, T. G. B.
Fitzroy, hon. H.
Flower, Sir J.
Forman, T. S.
Forster, M.
Fremantle,rt. hn.SirT.
Gaskell, J. Milnes.
Godson, R.
Gordon, hn. Capt.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Guest, Sir J.
Hamilton, C. J. B.
Harris, hon. Capt.
Hawes, B.
Herbert, hon. S.
Hervey, Lord A.
Hope, hon. C.
Hope, G. W.
Hussey, T.
Johnstone, Sir J.
Knatchbull,rt.hn.SirE.
Langston, J. H.
Lawson, A.
Lennox, Lord A.
Lockhart, W.
McGeachy, F. A.
McNeill, D.
Manners, Lord J.
Mitcalfe, H.
Napier, Sir C.
Nicholl, rt. hn. J.
Norreys, Sir D. J.
O'Brien, A. S.
O'Conor Don
Palmer, R.
Peel, J.
Praed, W. T.
Price, R.
Pringle, A.
Protheroe, E.
Pusey, P.
Rice, E. R.
Round, C. G.
Rumbold, C. E.
Rushbrooke, Col.
Seymour, Lord
Stanley, Lord
Stansfield, W. R. C.
Stuart, W. V.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Vernon, G. H.
Vivian, J. H.
Wakley, T.
Warburton, H.
Wodehouse, E.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Ainsworth, P.
Aldam, W.
Barnard, E. G.
Beckett, W.
Borthwick, P.
Brocklehurst, J.
Brotherton, J.
Browne, hon. W.
Buck, L. W.
Burroughes, H. N.
Chetwode, Sir J.
Colquhoun, J. C.
Crawford, W. S.
D'Eyncourt,rt.hn.C.T.
Douglas, Sir H.
Egerton, W. T.
Ellis, W.
Entwisle, W.
Fielden, J.
Fleetwood, Sir P. H.
Henley, J. W.
Hinde, J. H.
Hindley, C.
Irton, S.
Kemble, H.
Layard, Capt.
Mackenzie, W. F.
Morgan, O.
Morris, D.
Morison, J.
Pechell, Capt.
Plumridge, Capt.
Pryse, P.
Rolleston, Col.
Sibthorp, Col.
Strickland, Sir G.
Walker, R.
Wawn, J. T.
Wood, Col.
Wrightson, W. B.

TELLERS.
Liddell, hn. H. T.
Denison, E. B.

Clause agreed to.

On Clause 5,

"That the money under the order is to be paid to the mother, or to a person appointed by the justices,"

Mr. *J. Henley* said, that it appeared from this Clause, that when the woman became chargeable upon the parish, she would not be able to obtain any money from the putative father for the support of the child. That was a point which he thought was deserving the serious consideration of the right hon. Baronet. Some alteration ought to be made in it, to obviate that objection.

Mr. *P. Borthwick* had brought this matter under the notice of the House on a former occasion. It appeared that the money was only payable to the mother of the bastard child provided the woman was of sound mind, was not confined in any gaol or prison, under sentence of transportation, or chargeable to any parish or union. The mother of the illegitimate child would be subjected therefore, to the constant visits of the person who had already been too successful in his attack upon her virtue.

Sir *J. Graham* did not see the force of the hon. Member's objection.

Sir *H. Douglas* said, it was not clear from the early portion of the Clause what was to become of the money due to the mother when she became chargeable upon the parish. Was the woman to be entitled to the arrears? Was the parish to receive the money, should the woman be chargeable on the parish?

Sir *J. Graham* must confess that the point which the hon. and gallant Member had raised was one well worthy of consideration. It certainly was not intended by the Clause that the putative father, under the circumstances pointed out by the hon. and gallant Member, should go scot free. This Clause must be considered conjointly with Clause 7. He thought that by omitting after the word "transportation" the words "chargeable to any parish," the objection which had been raised would be obviated.

Colonel *Sibthorp* referred to the latter part of the Clause, which provided

> "That no order for the maintenance or support of the bastard child, made in pursuance of this Act, shall be of any force or validity after the child in respect of whom it was made has attained the age of thirteen years."

He begged to move that "fifteen years" should be substituted for "thirteen."

Sir *J. Graham* could not see any force in the hon. and gallant Member's objection to the age specified in the Clause. It was clear that before the Act of 1834 passed the order of maintenance upon the father did not extend beyond the age of seven. It was thought that at the age of seven, the period of nurture expired, and until that age the mother had a distinct right to keep the child, and to call upon the father to pay for its support. Between the age of seven and nine there existed only a contingent liability on the part of the father for the support of his child. But he had nearly doubled the period during which the mother would have a right to demand payment from the putative father.

Amendment withdrawn.

Mr. *Borthwick* wished to know whether the right hon. Baronet had any objection to the money being placed in the hands of a trustee for the benefit of the mother? If it was the wish of the right hon. Baronet he would bring up a Clause to that effect at the end of the Bill.

Sir *J. Graham* had some difficulty in understanding the hon. Member's objection. It was generally found that when money was paid to a third party for the benefit of another individual, a portion of it rested half way. He could not see why the mother should not receive the money directly, without the intervention of a third person.

Clause agreed to.

On Clause 11, giving a power to the Poor Law Commissioners of regulating the trades, &c., to which parish children shall be apprenticed,

Mr. *W. Ellis* said, his constituents had instructed him to object to this Clause. It was true this Clause was not imperative on the Poor Law Commissioners, but still he thought the guardians must be the best judges, in all cases, of the proper fees and the trades to which children should be bound, and he was decidedly opposed to the Clause?

Sir *H. Douglas* said, his constituents had the same objection to giving this power of interference to the Commissioners, and he hoped the right hon. Gentleman, on consideration, would consent to some relaxation of this central supervision.

Colonel *Rolleston* thought, that boards of guardians must be infinitely better judges in these cases than the Commissioners could be. He was surprised to find from a letter he had received within the week, that they did at this moment exercise this power. His correspondent stated a case in which they had objected to a boy being apprenticed to his own uncle.

Sir *J. Graham* said, whatever might be thought of this Clause, the motives with which he had prepared it could not be impugned. He had been told that there were cases in which the intervention of a central disinterested authority would operate for the protection of the poor apprentice; because local interests frequently prevailed in such cases, at the expense of the future comfort of the apprentice. There was always an interest with the board of guardians to transfer the young person to a parish out of the union. Perhaps the House remembered the Mines and Collieries Bill, which had passed into a law two years ago. In that Act there was a positive prohibition against binding to a collier. The Legislature absolutely prohibited that species of apprenticeship. Under this Bill he proposed no prohibition; all he proposed was, that a power of supervision and control should be exercised by a responsible tribunal as to the species of employment to which the child was to be bound. He thought it better to leave generally the arrangement of binding out to the local body, but he did not see any sound objection to the supervision and control of a responsible tribunal to the extent he had mentioned. He had been taunted with wishing to support the Commissioners at Somerset House, for the purpose of grinding and oppressing the poor. He had constantly negatived that charge; he denied it again; and he asserted, that if the Commissioners did their duty they were, beyond all their other duties, pre-eminently bound to be the guardians of the poor throughout the country. He was not prepared to say, as the hon. Member for Finsbury (Mr. Wakley) said last night, that the elective guardians had become the most harsh administrators of relief to the poor; he was not prepared to say they were more so than the *ex officio* guardians: but with respect to medical relief, he would say that it was in consequence of the intervention of the Commissioners that a far lower remuneration had not been given in many cases to the medical officers than was now given. He repeated, that binding out by the guardians the Bill did not prohibit, but he was afraid that if it were left to local interests to get rid of individuals, if the power were given of binding out without check to any trade, however unwholesome, however foreign from the former habits of the child, very great injury would be done. All that was required was, that there should be the concurrence of an independent tribunal with reference to the trade to which the child was to be bound.

Captain *Pechell* objected to this Clause as giving an unnecessary power of interference to the Commissioners. When the right hon. Baronet said this was a measure of amelioration, he could not think why he encumbered it with this Clause, which the right hon. Baronet knew had drawn on his Bill the hostility of places containing 2,000,000 of inhabitants. The Clause went to give the Commissioners' order the force of law. In many cases it would operate to throw obstacles in the way of binding out children. At any rate, the Clause ought to be embodied in a separate Act. He did not know what it had to do with the Poor Law. He considered it was totally unnecessary. The right hon. Baronet had failed to make out his case. Legislation on the subject ought to have been preceded by an inquiry. The right hon. Baronet said that local prejudices might work to the disadvantage of the children to be apprenticed. That he thought was casting a slur on the boards of guardians throughout the country, which those that he was connected with certainly did not deserve. The right hon. Baronet was wholly misinformed on this part of the subject. He moved the omission of the Clause.

Mr. *Christopher* hoped, that the right hon. Baronet would not consent to withdraw the Clause, for both as a magistrate and as chairman of a board of guardians he could see that this Clause would be one of the most useful in the Bill. The effect would be to protect the parish apprentice. It would prevent the guardians from getting rid of an idle boy from the workhouse, by apprenticing him to a person of little respectability, who might neglect both his education and morals; and it would provide a sufficient control over any master to oblige him to bring up his apprentice in a proper manner. He considered the power as a most useful check, and he cordially supported the Clause.

Mr. *C. Wood* thought the Clause imposed too much on the Commissioners when it required that they should "define the trades or businesses to which poor children should be apprenticed." Surely the guardians taking into consideration the peculiar position of the parish, and all the accompanying circumstances, would be best able to settle all that. He thought controlling, not prescribing powers proper for them on this point.

Sir *J. Graham* did not desire that the Commissioners should exercise any original power upon details on this subject, but he wished that they should have a complete controlling power. He had been informed and believed that the 15th and 61st Clauses of the Act gave the Commissioners all the power conferred by this Clause, which in reality only added that in which the Act was deficient,—a penalty for the enforcement of obedience. He should not be disinclined to adopt words rendering the construction clear, that upon the points referred to the local authorities should have the original power.

Mr. *T. Duncombe* thought this Clause went further than necessary. It would "prescribe the duties of the masters and the terms and conditions to be recited in the indentures." Now, he believed that it was on these points the jealousy of the Commissioners' interposition chiefly was excited. He considered this an enlargement of the powers of the Commission, the existence of which he had always been told was to be temporary only, but the continuance of which was rendered more and more permanent by these constant additions to its powers, the result of which was of course to make the law more and more dependent upon it for its operation. In 1842 the Bill introduced for amending the Act had a Clause of this sort, which though far more limited than this would be, even when altered, excited great apprehension and hostility. The boards of guardians, were the best judges of the parties to whom, and the terms on which, apprentices should be engaged.

The *Solicitor General* observed, the effect of the Clause would be that the Commissioners should settle forms of indentures so far as the master's duties were concerned.

Mr. *Wakley* hoped no conflict for powers on behalf of different bodies would cause the poor suffering children to be sacrificed. Such had been the result in the case of education on which the conflict led to the loss of great benefit to millions. Let all endeavour in this instance to look at the case of the parish apprentices. He believed many had never seen one of these poor children. He had made it often his business to inquire into their condition; and he affirmed it to be perfect slavery. To this Clause then he should give his unqualified support, as it tended to protect their interests, for the guardianship of which the present law was grossly insufficient. They were apprenticed seven, eight, and nine years to persons whose object it was all that time to make money by their labour. He had endeavoured frequently to advocate their cause before magistrates, and not only had he failed, but been insulted by the magistrates for his pains. The poor children worked from five or six to nine or ten o'clock. "The parish officers visit them," it was said. Yes; but how? They went into a nice neat parlour, where the master waited upon them with one or two or three of the apprentices, who before their master are asked as to their condition and treatment. "Have you anything, my dear to complain of?" "Don't be afraid to speak, my dear," when perhaps within the child's sight is the instrument of his last chastisement! The cruelty was monstrous that was too often practised towards these poor children; and there was no one to help or protect them. The responsibility of undertaking their protection was far too great for the Commissioners ever to have voluntarily assumed it unless impelled by a sense of duty. He cared not for the enmity of boards o guardians or any other Boards that ha neglected their duties in this matter. He wished some parties to take charge of the poor parish apprentices, and with that view supported this Clause, for which he was sincerely grateful to the Government.

Lord *J. Manners* supported the Clause, he did not wish to say anything harsh of the different boards of guardians, but he must say, that the principle which had been allowed to guide the conduct of individuals as well as of public bodies for the last twenty or thirty years—a principle which, as Lord Bolingbroke said, never made a man do his duty to God or his country — namely, that of self-interest, had tended very much to depress the poor people of this country.

Captain *Hamilton* conceived that the Clause would be of the greatest benefit. Supposing that the time arrived when the Poor Law Commissioners might be done away with, he was convinced, that in such case, some other board ought to be appointed not only to superintend the education of parish apprentices, but also to regulate their hours of labour.

Mr. *Escott* was afraid that it would be impossible for the Poor Law Commissioners to discharge the duty, which was now proposed to be assigned to them; and the result would be to prevent those who had the natural care of the children from bestowing that attention to them which they ought. The next Clause abolished compulsory apprenticeship, and yet by the present Clause they were requiring the Poor Law Commissioners to interfere in those voluntary contracts between masters and apprentices, and they were about to do that which they refused to do the other day, namely, to limit the hours of labour with respect to these children, and not directly but through the intervention of a tribunal which could not possibly know anything about the matter.

Mr. *S. Crawford* did not deny, that these matters required some kind of superintendence, but he felt that the Clause, even as amended, would give the Poor Law Commissioners a power which was wholly inconsistent with the government of the guardians, and under all circumstances, he felt it to be his duty to vote for the total omission of the Clause.

The Committee divided on the question that the Clause as amended stand part of the Bill:—Ayes 151; Noes 23: Majority 128.

List of the Noes.

Aldam, W.
Borthwick, P.
Brocklehurst, J.
Collins, W.
Crawford, W. S.
Douglas, J. D. S.
Duncombe, T.
Duncombe, hon. O.
Escott, B.
Etwall, R.
Fleetwood, Sir P. H.
Forman, T. S.
Henley, J. W.
Hodgson, F.
Marton, G.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Pechell, Capt.
Power, J.
Pryse, P.
Rolleston, Col.
Walker, R.

TELLERS.

Sibthorp, Col.
Ellice, W.

Clause agreed to.

On the 13th Clause, repeal of 4th and 5th William IV., c. 76.,

Mr. *T. Duncombe* adverted to the proposal embodied in this Clause to fix a new scale of voting proportioned to the extent of property possessed and held by owners and occupiers. It was his wish to do away with the plural system altogether, and to give each ratepayer one vote. He had never heard a good reason assigned why a scale of voting of this sort should be persisted in, and he should propose as a simple Amendment to the Clause to leave out all the words after the 33rd line, by which the scale was enforced, and to insert the words "each ratepayer to have one vote."

Sir *J. Graham* said, that although the hon. Member styled his propisition simple, he would take leave to remark that it was very drastic.—The scale now sought to be established had received the sanction of Parliament in the Irish Poor Relief Amendment Bill of last Session. He could not with any justice to the rights of property make a greater alteration; he thought he had already gone as far as justice would allow, and he felt it to be his duty to resist the proposed Amendment.

The Committee divided on the question, that the words proposed to be left out stand part of the Bill:—Ayes 142; Noes 17: Majority 125.

List of the Noes.

Brotherton, J.
Colebrooke, Sir T. E.
Collins, W.
Crawford, W. S.
Dashwood, G. H.
D'Eyncourt,rt.hn.C.T
Fleetwood, Sir P. S.
Hanmer, Sir J.
Hawes, B.
Hindley, C.
James, Sir W. C.
Manners, Lord J.
Muntz, G. F.
Pechell, Capt.
Power, J.
Strickland, Sir G.
Wakley, T.

TELLERS.

Napier, Sir C.
Duncombe, T.

Clause agreed to.

On the 14th Clause (giving the right of vote by proxy),

Mr. *Hindley* objected to the admission of proxies.

Sir *J. Graham* said, that a limitation had been introduced into the Bill with respect to the number and duration of the proxies, which was not to be found in the existing Poor Law. He could not assent to the withdrawal of this mode of voting altogether, but he considered that it was put upon a proper footing by being limited to four proxies in one person's hands, and the duration of two years for each proxy.

Captain *Pechell* admitted, that the modification introduced into the present measure of the old power of voting by proxy for the election of Poor Law guardians was a great improvement in the system; for large sums had been taken out of the ratepayers' pockets by the inertness or ignorance of those who intrusted their proxies to others. The modification, however, of the practice in vogue did not, in his opinion, suffice to remedy the evil occasioned by it. He wanted to see the system of using proxies done away with altogether.

Sir *J. Graham* said, that if the Clause were rejected, the present system of unlimited voting by proxies would be continued.

Mr. *T. Duncombe* said, that the alteration made in the present law with respect to voting at the election of guardians was good, but it was not carried far enough. All proxies ought to be done away with, except those of female ratepayers, who alone ought to be allowed to vote by proxy. At all events, if the system were not to be entirely abolished, the exemptions accorded under the Clause as it now stood, to bailiffs, land-stewards, and rent-collectors ought to be struck out of the Act, and the proxies of those functionaries made renewable every two years. At Gravesend, he was informed the proxies held by two rent-collectors alone decided the election of the majority of Poor Law Guardians, in a population of 16,000 persons.

Mr. *Wawn* proposed that the words of the Clause giving power to stewards bailiffs, land-agents, or collectors of rent to vote as proxies for the owners of property for whom they might be appointed to vote, should be struck out.

The Committee divided on the question that the words stand part of the Clause:—Ayes 157; Noes 15: Majority 142.

List of the NOES.

Brotherton, J.
Collins, W.
Crawford, W. S.
Duncombe, T.
Dundas, Adm.
Etwal, R.
Fleetwuod, Sir P. H.
Humphery, Ald.
Langston, J. H.
Muntz, G. F.
Napier, Sir C.
Pechell, Capt.
Stansfield, W. R. C.
Wakley, T.
Williams, W.

TELLERS

Hindley, J.
Wawn, J. T.

Clause agreed to.

On the 16th Clause, the number of guardians may be altered with reference to population, &c. by the Commissioners.

The Committee divided:—Ayes 111; Noes 45: Majority 66.

List of the AYES.

Ackers, J.
Acland, T. D.
Antrobus, E.
Arundel and Surrey, Earl of
Bailey, J.
Bailey, J. jun.
Baring, hn. W. B.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bentinck, Lord G.
Boldero, H. G.
Botfield, B.
Bowles, Adm.
Bowring, Dr.
Boyd, J.
Bramston, T. W.
Brisco, M.
Bruce, Lord E.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cavendish, hon. G. H.
Childers, J. W.
Christopher, R. A.
Clerk, Sir G.
Clive, hon. R. H.
Cole, hn. H. A.
Courtenay, Lord
Cowper, hon. W. F.
Cripps, W.
Curteis, hn. H. B.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, W.
Escott, B.
Farnham, E. B.
Fellowes, E.
Filmer, Sir E.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marquess of
Hamilton, Lord C.
Hanmer, Sir J.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hill, Lord M.
Hope, G. W.
Hussey, A.
James, W.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Ker, D. S.
Knight, H. G.
Lemon, Sir C.
Lincoln, Earl of
McGeachy, F. A.
Mackenzie, W. F.
McNeill, D.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord J.
Marsham, Visct.
Maxwell, hn. J. P.
Morgan, O.
Newry, Visct.
Nicholl, rt. hn. J.
Norreys, Sir D. J.
Palmer, G.
Peel, rt. hon. Sir R.
Ponsonby, hon. C. F.
Pringle, A.
Rashleigh, W.
Rolleston, Col.
Rushbrooke, Col.
Sandon, Visct.
Seymour, Lord
Shaw, rt. hon. F.
Somerset, Lord G.
Stanley, Lord
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Vane, Lord H.
Vesey, hon. T.
Vivian, J. H.
Walsh, Sir J. B.
Wodehouse, E.
Wood, Col.
Worsley, Lord

TELLERS.

Young, J.
Lennox, Lord A.

List of the NOES.

Adderley, C. B.
Allix, J. P.
Borthwick, P.
Bowes, J.
Brocklehurst, J.
Brotherton, J.
Buck, L. W.
Burroughes, H. N.
Butler, P. S.
Collins, W.
D'Eyncourt, rt. hn C. T.
Dodd, G.
Douglas, J. D. S.
Duncombe, T.
Duncombe, hn. O.
Dundas, Adm.
Etwall, R.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Forman, T. S.
Fox, C. R.
Hawes, B.
Hindley, C.
Hussey, T.
Irton, S.
James, Sir W. C.
Jolliffe, Sir W. G. H.
Kemble, H.
Masterman, J.
Mitcalfe, H.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Napier, Sir C.
Ogle, S. C. H.
Pechell, Capt.
Power, J.
Pryse, P.
Rice, E. R.
Ross, D. R.
Round, J.
Sibthorp, Col.
Wakley, T.
Wawn, J. T.
Williams, W.

TELLERS.

Crawford, W. S.
Arkwright, G.

The Clause agreed to.

Clauses to the 19th were agreed to.

House resumed. Committee to sit again.

MERCHANT SEAMEN.] Mr. *S. Herbert* moved for leave to bring in a Bill to amend and consolidate the Laws Relating to Merchant Seamen, and for keeping a Register of seamen: The Bill followed closely the principle of the Bill introduced in 1835, and merely enacted several alterations in the details of the measure which experience in its working had shown to be necessary. The principle alterations were the carrying out to a greater extent of the system of registration and providing a personal registration, giving greater facilities to shipowners to prevent and punish desertion, and giving increased powers to Consuls to prevent the severe treatment of seamen by the masters of vessels.

Leave given. Bill brought in and read a first time.

Controverted Elections.] Lord *G. Somerset* had, as Chairman of the Committee under the Controverted Elections Act, been requested to move for the renewal and continuance of the Act for the trial of Controverted Elections of Members of Parliament.

Viscount *Mahon* wished to suggest that the Bill should be temporary instead of being permanent. Such had been the precedent in two former Sessions, in each of which the Bill had passed for one year only reserving both its principle and its details to be considered as a permanent measure, at an earlier period, after Parliament met. The Bill involved two very important points which he was anxious to have discussed. These points were, first, whether the appointment of a tribunal, not consisting of Members of Parliament, would not be most conducive to the justice of each case; and the second was, as to the numbers of the Committee, whether it ought to consist of three or seven Members. At that late period of the Session, and when the second reading of the Bill could not take place until the week after next, he would ask, whether they were not in such a position, that a temporary measure would now as in former Sessions be best calculated to ensure in the end a good law on this important subject. It ought to be remembered, that they could not now come to a discussion on the Bill without losing the advantage of the assistance of the legal Members, every one of whom would be absent from London on the business of the Circuit. Under these circumstances, he hoped that the noble Lord would be content with a temporary Bill, and would feel the justice of reserving the permanent measure until the beginning of the next Session.

Sir *R. Peel* considered the time had fully arrived when the House ought to decide upon retaining in its own hands the jurisdiction respecting Controverted Elections. He could not help thinking that there was, on the part of a great majority of the Members of that House, at least, a determination not to part with that jurisdiction, and a conviction of the danger of giving it up to Courts of Law. He, for one, should see with regret the House of Commons delegate to a Court of Law the power of deciding the question of Members of Parliament touching their seats. He objected to a proposition to the effect that the House of Lords were to be left in the full possession of their privileges, whilst those of the House of Commons would be left to the Courts of Law. With respect to the provisions of this Bill, it should not be forgotten that the Bill of last Session was made temporary in order to enable a Committee of that House to report upon the subject of the present Act, and that those very provisions were those recommended by that Committee. He trusted, therefore, that the House would, in the present instance, decide on making the measure a permanent one, and that it would no longer exhibit itself to the country in the position of not having yet made up its mind upon the subject. He should cordially support the Motion of his noble Friend.

Leave given. Bill brought in and read a first time.

House adjourned at twenty minutes to one o'clock.

HOUSE OF LORDS,

Monday, July 8, 1844.

Minutes.] Bills. *Public.*—3ª· and passed:—Marriages Celebration.

Private.—1ª· Paisley General Gas; Market Harborough and Coventry Road.

Reported. — York United Gas; Holmfirth and Dunford Road; Eastern Union Railway.

3ª· and passed:—London and South Western Railway; Newport (Monmouth) Dock.

Petitions Presented. By Lords Teynham, and Ashburton, from Dorchester, and 2 other places, in favour of the Dissenters Chapels Bill.—By Duke of Richmond, and Lord Ashburton, from Fife, and 3 other places, for Protection to Agriculture.—From Nutfield, and 32 other places, against the Repeal of the Corn Laws.—By Duke of Richmond, from Hereford, and Alresford, respecting the Bank of England Charter Bill.—By Bishop of London, and Earls Somers, Galloway, and Brownlow, from Darlington, and an immense number of other places, against the Dissenters Chapels Bill.—From Romaldkirk, for Restoring the Powers of Convocation. — By Earl of Kinnoul, from Perth, for Extending the Provisions of the Bawdy Houses, etc. Suppression Bill to Scotland.—By Earl of Mountcashell, from Fermoy Union, against the Poor Law (Ireland) Bill.—By Earl of Malmesbury, from Settlers in New Zealand, for Protection to Lives and Property.

Charitable Trusts Bill.] On the Motion to postpone the Order of the Day on this Bill to Friday,

The Bishop of *Exeter* requested permission to state his objections to the measure now, as he should not be able to be present on the day proposed. He objected to the 11th Clause, because it violated a great constitutional principle, for it provided that property bequeathed for Roman

Catholic purposes might be held by trustees according to the laws and constitution of the Roman Catholic Church. To this he objected, because it gave the Pope a power of deciding on the legality of such trust. The 17th (the interpretation) Clause was worded thus, "that the word 'Roman' Catholic shall include all persons in Holy Orders, of whatever rank or degree, according to the laws, discipline, and constitution of the Roman Catholic Church," &c. Now, such language as this really established the jurisdiction of the Pope within this realm, contrary to the Oath of Supremacy—that bulwark, that most essential part of our Constitution; founded as it was in this respect not merely upon principles and doctrines, the origin of the Reformation, but on prior legislation, as established in the "Statute of Appeals." He begged to repeat, he objected not to the enabling provisions of the Bill provided they were not coupled with language of this character.

Lord *Wharncliffe* would not now enter into a discussion of the question, but would merely say that so far as the noble Lord had alluded to the constitution of the Catholic Church as necessarily recognising the Pope's authority in such matters, the noble Lord was correct. And undoubtedly this point should not escape consideration in further deliberations on the Bill the proceeding with which should be postponed till Tuesday, the 16th.

INCENDIARISM AND THE POOR LAW.] Lord *Wodehouse*: My Lords, I wish to say a few words on behalf of certain of the yeomanry of that county of which I have the honour to be Lord Lieutenant, in reference to certain remarkable and injurious assertions that have been made against them in a newspaper, in which they are charged with having wrongfully applied and mal-administered the New Poor Law, and have thus been the cause of the incendiary fires in their neighbourhood. My Lords, the individuals in question are well known to myself; they are, particularly, Mr. Neave, Mr. Read, and Mr. Gooch. My Lords, I declare, without any qualification whatever, the whole of the statements as to these gentlemen to be utterly false! I declare they are most excellent men, and universally beloved for the kind manner in which they administer the Poor Law; and I am most proud to call them my friends. None are more beloved by all classes, from the nobleman to the pauper. And yet these men are by the "gentlemen" of the press, as they call themselves, but who I say are a disgrace to the press, to be dragged forward and disgraced before the country, and perhaps—if their labourers were wicked enough to attend to such attacks—held up to execration, and as fit subjects of incendiarism. My Lords, I say such calumnies are not to be endured, and I will undertake personally to assert, and to prove—and the "gentlemen" of the press, as they call themselves, may be present if they please ["Order, order"] —some of them, perhaps, may be now present ["Order, order,"]—if so, I hope they will take down what I say. ["Order."]—I say, my Lords, I will undertake personally to prove these statements false; and I should like the person who wrote them to be there; and I should like to meet such calumniators face to face, and put questions in his presence to every pauper, every guardian, every officer of the union to which these farmers and myself belong, and I know the result would be the entire exposure of these scandalous and infamous calumnies! "Gentlemen" of the press, my Lords! ["Order, order."] Oh, my Lords, I feel I have a right to say what I do; they are a disgrace to the word "gentleman;" when they write such base, such infamous calumnies, they deserve no other name than calumniators? My Lords, I never knew anything more base and infamous than such attempts to run down the best men in their district, by exposing them to ignominy and disgrace! I would meet these calumniators—I would question, and cross question witnesses; I would prove that the Poor Law is well administered—that there is no fault to be found with its administration—that the poor are better off in every respect, under it, than under the former law! Besides, my Lords, if there was ever an unfounded rumour, it is that which has connected the names of these gentlemen with the administration of this law—these most unfounded reports would bear no examination of the facts. My Lords, I beg pardon for having so addressed you, but I felt personally on the matter having had two fires on my own property and near me; and certainly there is as much reason in my case to conclude the cause was the administration of the Poor Law as in the case of those gentlemen of whom I have spoken. I have spoken warmly, I admit; but, my Lord, when such things are written of such men it is really too bad.

The Marquess of *Normanby* did not wonder at the warmth with which the noble Lord had spoken, considering the characters of the persons attacked, and considering that he is personally acquainted with them. He had been requested by other parties to move for a Return calculated, they believed, to throw light upon the subject (and it is not opposed by the Government),—a return of names, ages, and descriptions of all the persons committed for trial for incendiarism at the last assizes for Norfolk and Suffolk, with the results in each case.

Lord *Wodehouse* begged to be understood as restricting his assertions to what occurred within his own hundred or union.

House adjourned.

HOUSE OF COMMONS,

Monday, July 8, 1844.

MINUTES.] BILLS. *Public.*—2°. Drainage of Lands; Three-and-a-Half per Cents. Exemption; Law Courts (Ireland).

Reported.—Necton Tithes; Militia Ballots Suspension; Stock in Trade; Turnpike Acts Continuance.

3°. and passed:—Charitable Loan Societies (Ireland).

Private.—2°. Archbutt's Divorce.

Reported.—London and Croydon Railway (No. 2); Irvine's Estate; Stone's Estate; Tralee Navigation and Harbour; Canal Companies.

3°. and passed:—Market Harborough and Coventry Road; Paisley General Gas.

PETITIONS PRESENTED. By Mr. Blackstone, from Sudbury, against Sudbury Disfranchisement Bill.—By Mr. Shaw, from Cork (2), and Lismore, in favour of Education System.—By Mr. Shaw, from Committee of Apothecaries of Ireland, for Alteration of Coroners Bill.—By several hon. Members (29), from Railway Companies, against Railways Bill.

SUGAR DUTIES—DENMARK.] Mr. *F. Baring* wished to put a question to the right hon. the President of the Board of Trade, which he had mentioned on a former occasion. It was, whether under the Treaties which had been entered into with Denmark, the sugar of the Danish Colonies was, under the New Sugar Duties Bill, to come in at the lower rate of duty? Perhaps the right hon. Gentleman would also state whether he had communicated with the Queen's Advocate on the subject, and if so, whether the Government had come to any decision in consequence?

Mr. *Gladstone* replied, that the Government had not communicated upon the subject with the Queen's Advocate at present, and it was not their intention to do so. This question, the right hon. Gentleman would be aware, was not new; in connection with our commercial relations with Denmark, questions had at various times arisen in which the claim would have been made by Denmark, had there been any idea that it existed. In the Navigation Laws, the privilege of navigation in regard to our West-India Colonies had been conceded to many countries without being conceded to Denmark; and when, long after, they were conceded to Denmark, it was not as a matter of right. This, then, was a question in which there was an established interpretation of Treaties recognized by both sides; and that being the case, he did not think it necessary to make the question the subject of a reference to the Law Officers of the Crown. There was no party claiming on behalf of Denmark; and if at any future time she should claim the privilege, she would urge that claim much better than they could. The Government stood upon the construction which had been already implied in dealing with the rights of Denmark under her early Treaties in regard to our West-India Colonies, in which those Colonies never had been included. Up to the present moment no communication, no application had been made by Denmark on the subject. If she desired the privilege she would no doubt make the claim, and the Government would in that case be in a better condition to refer the question to the Law Officers of the Crown and the highest authorities than they were at present.

FRENCH OCCUPATION OF AFRICA—STATE OF THE NAVY.] Mr. *Sheil*: I rise to put a question to the right hon. Baronet, the First Lord of the Treasury, of which I gave notice on a former evening, with reference to the occupation of the French possessions in Algiers. On the 7th of December, 1841, I find His Majesty, the King of the French, in his speech to the Chamber of Deputies, said that he had taken means to secure the possessions of France in Africa from what he called any external complication, and the solution of that phrase was given in a speech made by M. Guizot, the French Prime Minister, on the 20th of July, 1842, and reported in the *Moniteur* of the 21st of July. In that speech M. Guizot said, that he had received a communication from the Comte St. Aulaire, the French Ambassador to the Court of St. James's, stating that he had recently had a communication with Lord Aberdeen, the English Secretary of State for Foreign Affairs, in the course of which Lord Aberdeen had stated to him that he regarded the position—that was the word—the position of France in Algiers as *un fait accompli*, to which he could not now raise any objection. Finding that speech was reported in the *Moniteur*, I felt it my duty to draw the attention of the House of Commons to it, and gave notice that I should move that any despatch which might have been sent by Lord Aberdeen to Lord Cowley, the British Ambassador at Paris, on the subject, should be laid on the Table. The right hon. Baronet (Sir R. Peel), as the House will recollect, anticipated my Motion, and placed upon the Table a copy of a despatch from Lord Aberdeen to Lord Cowley, dated the 28th day of January, 1842, eight days after the speech to which I have referred was made. In that despatch, Lord Aberdeen states to Lord Cowley that the conversation to which M. Guizot had alluded in the French Chamber was inaccurately reported, so far as to his having stated to M. St. Aulaire, that he had no objection to raise to the possession and occupation by France of Algiers, and that he had merely stated that he had then no observation to make on the subject, and he requested Lord Cowley would lay that despatch before M. Guizot. That despatch having been laid upon the Table of the House, I did not think it necessary at that time to stir the subject further. But events have recently taken place which have not unnaturally excited the attention of the country, and, I presume, the solicitude of Her Majesty's Government, in regard to the proceedings of France on the coast of Africa, and the questions I intend to put to the right hon. Baronet, and of which I have given notice, are, first, has Lord Aberdeen received any answer to his despatch to Lord Cowley of the 28th of January, 1842; and if so, has the right hon. Baronet any objection to produce a copy of that answer? Next, whether any application has been made by the British Government to the Government of France, for an *exequatur* for our Consul at Algiers? And, thirdly, whether any act has been done by the British Government amounting to an acknowledgment that in their opinion France is entitled to the possession of Algiers?

Sir *R. Peel* said, I feel it my duty to confine my reply to the questions of the right hon. Gentleman to a mere statement of facts, because, as is well known, any conversation that takes place here becomes the subject of immediate discussion in the Chamber of Deputies in Paris; and although I am aware that I cannot prevent or control discussions or observations elsewhere as to the questions asked in this House, or the making of observations upon our proceedings, still I do not think it consistent with my duty to encourage discussions or observations which might give rise to great inconvenience, but that it is better in matters of this kind to leave them to the consideration of the two Executive Governments that are responsible, than to provoke discussions upon them. The first question which the right hon. Gentleman has put to me is with regard to the despatch written in January, 1842, by Lord Aberdeen, to the Ambassador of this country in Paris, on the subject of the statement made by M. Guizot, in the Chamber of Deputies. I will refer to that despatch itself, in order to put the House in possession of the facts of the case. The Count St. Aulaire had reported in a despatch, addressed to M. Guizot, a conversation that had taken place between himself and Lord Aberdeen as to the possessions of France in Algiers, which M. Guizot quoted in the French Chamber of Deputies; and it appeared in the published report of M. Guizot's speech that the despatch of M. St. Aulaire contained this report of the conversation with Lord Aberdeen; M. St. Aulaire reports Lord Aberdeen to have said:—

> "I was Minister in 1830. If I were to go back to that time, I should have much to say; but I take affairs as they were in 1841, and in the state in which they have been left by preceding Cabinets. I therefore look upon your position as *un fait accompli*, against which I have no further objection to make."

Lord Aberdeen, on seeing this report, wrote immediately to Lord Cowley, calling on him to explain to M. Guizot that the report he had read to the Chamber of Deputies of the conversation between M. St. Aulaire and Lord Aberdeen was not a correct explanation of what had actually taken place:—

> "Now, I readily subscribe to the accuracy of this statement, with the exception of the last sentence. I never said that I had now no objection to make to the establishment of the French in Algiers, but that I had now no ob-

servation to make on the subject, and that it was my intention to be silent. The context shows that such was my meaning, and in fact, this decision was the result of mature reflection. I felt that after ten years of acquiescence, any objection at the present moment would have been misplaced, and that the course which it would have been impossible for me formerly to have adopted, had now become entirely consistent with propriety and duty. It does not follow, however, that objections, although not expressed, may not be entertained. I have explained to the French Ambassador the misapprehension into which he had fallen, and the erroneous statement which, in consequence, he had made to his Government."

This explanation of Lord Aberdeen's Lord Cowley communicated to M. Guizot, but no communication from the French Government in consequence has been received. A despatch was received from Lord Cowley stating that the explanation had been communicated to M. Guizot as desired, but that no reply had been received from the French Government. Then as to the Gentleman who fills the office of British Agent, or Consul General, at Algiers, I have to state to the right hon. Gentleman that he is not acting under an *exequatur* from the French Government, but under precisely the same authority as he acted under when the right hon. Gentleman and his Friends were in office. The present Consul General and Agent, Mr. St. John, at Algiers, was appointed in the year 1827, when he acted under the authority of the Turkish or Algerine government. In 1830 the expedition of France against Algiers was undertaken, which ended in the occupation by France of that country. That was during the Government of the Duke of Wellington, which was shortly after succeeded by the Government of Lord Grey, and during the whole period of that Government, no question, I believe, was ever practically started as to the authority under which Mr. St. John acted, but relying on that which was the state of the case on the accession of the Government to office, no question was ever raised, so far as I am informed, as to the particular authority under which that Gentleman exercised his functions. He is now acting under precisely the same authority as he has acted under since the year 1830. There have been no new appointments since that time, and he is in precisely the same position in which he was in 1831, and during the whole period that the right hon. Gentleman and his Friends were in office. Having so far answered the questions of the right hon. Gentleman, I must again remind the House of the great inconvenience of entering into discussions or giving rise to discussions elsewhere, upon questions with respect to which negotiations with other Governments may be pending, and I hope the Government will not be called upon to give any further explanations here which may give rise to discussion in other similar assemblies, but that the House will agree with me that it is far better to leave such questions to be dealt with by the Executive Governments of the two countries who are responsible, than that they should be made the subject of irregular or incidental discussion.

Motion made that that the Order of the Day for the Second Reading of the Railways Bill be now read,

Sir *C. Napier* said, notwithstanding what had fallen from the right hon. Baronet as to the inconvenience of raising discussions upon such subjects by asking questions in that House, he considered it his duty to put the question to the right hon. Baronet as to the proceedings now going on in Morocco, and of which he had given notice. If he felt the matter as to Morocco was a question simply between that country and Spain, he should not have thought it necessary to ask any question; but when he saw the question arising with Spain in combination with France as to the disputes now prevailing between France and Morocco, the case was different. The right hon. Baronet and the House would be aware that Spain possessed a large fort on the coast of Barbary opposite Gibraltar, which had all along been used by France as a dépôt in her operations against Algiers. He, too, was also aware that a certain pamphlet had not long since been published by the Prince de Joinville, in which, with how much of truth he would not say the Prince showed the great danger to which his country would be exposed in the event of a war, and exaggerated to a considerable extent the naval force of England, while he greatly underrated that of France. Whether the publication of that pamphlet had anything to do with the proceedings against Morocco, or was merely intended to make the people of England believe that the naval force of France was not so strong as it actually was, he did not know. It had been stated in the French papers, and the statement was supposed by many to be genuine, that the French Government and the French King were much dissatisfied with the Prince on account of the pamphlet, and that he, in consequence, resigned his commission in the French navy, which resignation it appeared he had subsequently been induced to withdraw. But neither the French King nor the Government could have been very angry about the matter, for they shortly afterwards appointed the Prince to the command of the squadron destined to act against Morocco, consisting of three ships of the line, one frigate, and four war steamers, and as it appeared from the speech of M. Guizot, reported in the papers of that day, the Government of France recommended that appointment, his Majesty the King depending on the valour and prudence of the Prince his son. He was aware that the Prince de Joinville had shown his valour at the taking of San Juan de Ulloa, in Mexico, and his prudence in taking a pilot out of a British man of war, which was, he thought, about the grossest insult that had been offered to the British flag for many years. He was anxious, however to show how far the Prince de Joinville was right in the account he gave of the naval force of France. He believed she had five sail of the line in the Mediterranean, with a corresponding number of steamers, also forming part of the squadron under the command of the Prince. There were also three or four sail of the line in the Levant, under another commander, and this force was backed by eight sail perfectly equipped, but only half manned; they were, however, in that state that France could, within a month, have a fleet of nineteen or twenty sail of the line ready for actual service. The force we had available at the present moment to meet any sudden emergency that might arise, was seven sail of the line, although when the last Government went out of office they left twenty-two sail of the line in the Mediterranean, besides four other ships of the same class at different colonial stations; and when he remembered how the present Government, when in opposition, had taunted the late Government for leaving our coasts unprotected, and that they had constantly charged them with the inefficiency of our naval force, both at home and in the Mediterranean, should any sudden distubance take place between England and Russia, he had scarcely expected that so great a reduction would have been made in that force by themselves. They had, however, reduced the force every year since they had been in office, and we had now no more than one sail of the line in the Mediterranean, three guard ships at home—making four, one appointed as the flag ship for the South American station, the Albion ordered to be paid off, and the Queen, making seven available line of battle ships. There were, it was true, twenty or thirty as fine ships as had ever swam, lying in ordinary, but not disposable for any sudden emergency and which could not be fully equipped for actual service for a considerable time, should they be required. He had heard it stated, by a naval officer of some authority, that a fleet might be got ready, and perfectly equipped, in six weeks; but he would call the attention of the House to the length of time that had been found necessary to equip a force for sea in 1842. They had then twelve sail of the line in the Mediterranean, and three guard ships at home, and three sail of the line, one commissioned in March, and two in the April previous to the signing of the Treaty of July. When that was signed, and a dispute between France and England appeared likely to arise, having fifteen sail of the line in commission, so much time elapsed in preparing three other ships for the Mediterranean, that they did not arrive before the middle of November. As to the three flag ships which were supposed always to be ready, they were obliged to bring in a seventy-four gun ship to complete the number, and that squadron did not arrive in the Mediterranean until the middle of January. Two ships were commissioned at a still later period, but they did not arrive until all was over. He had shown the position in which they stood at the present moment, should any disturbance occur in the Mediterranean, by a reference to what had occurred in 1840. Having made that explanation, he would beg leave to ask the right hon. Baronet three questions. First whether it were true, as reported, that Spain had allowed France to send troops to Morocco through Ceuta? Secondly, whether it were true that the Government of Morocco had refused our mediation? and, thirdly, whether it were the intention of Government to increase the Naval Force of the country, so as to meet any accident which impending events might give rise to?

Sir *R. Peel* would adhere to the course which he had pursued as to the questions put a little while ago by his right hon. Friend. He should answer those questions which consistently with his duty he could reply to, but he would not be provoked into a discussion upon the important subject to which they referred. In the first place, he must say that the hon. and gallant Member had done him no great service in giving him a previous written notice, because he had made a speech quite at variance with that notice. They were not then discussing the Naval Estimates, and he did not think it regular to bring on a discussion on the state and disposition of the Navy upon the Order of the Day for the Second Reading of a Railway Bill. He did not think that the naval strength of this country depended upon the number of ships in commission. They might have a great many half-manned ships in commission, but this he knew, that there never was a period when it was more in the power of Great Britain to make a great naval demonstration in a short period — not all at once, but in a short period—than at the present moment. Now, as to the three questions; the first was, whether there was any truth in the report that the Spanish Government had permitted the French to occupy Ceuta, or had allowed French troops to pass through it? He had never heard of such a report before. He believed that it was as much the wish of the French as it was of the British Government that there should be no breach of the amicable relations between Spain and Morocco. He repeated, he had not heard, until the gallant Commodore had put his question, any report of Spain having given the French Government any such permission as the gallant Officer had referred to. No account of any such step had been received at the War or the Foreign Office. He believed the report to be unfounded, and he trusted that no such permission had been given. The next question was, whether our mediation had been refused by Morocco? The only answer to that inquiry which he could give was, that he had reason to believe that Mr. Drummond Hay, the British Consul at Tangiers, was now with the Emperor of Morocco, acting under instructions which he had received from Her Majesty's Government, and that there had been no refusal of mediation on the part of Morocco. The third question was, whether Government intended to reinforce the fleet in the Mediterranean? In reply, he was sure that the hon. and gallant Gentleman could expect no more definite answer than this—that Government had already taken measures for placing in the Mediterranean such an amount of Naval Force, as in their judgment they considered amply sufficient for the protection of British interests, should British interests be endangered; but that there had been no reinforcement such as that alluded to.

Mr. *C. Wood* said, that the right hon. Baronet had mistaken the drift of the question of his hon. and gallant Friend. The question was, not whether it were the intention of Government to increase the naval force in the Mediterranean, but whether it were their intention to increase the naval force of this country. To that question, the right hon. Baronet had given no reply. He would not refer to what had passed upon this subject three or four years ago, to the pamphlets written, to the speeches made, attacking the Whig Government upon the score of their naval arrangements. It was a constant taunt against that Government that they neglected the naval force, and left our shores unprotected by an efficient fleet. He would not refer to the attacks then made, further than to cite the opinion of Lord Melville at the time, to the effect that the complaint did not refer so much to the amount as to the disposition of our naval force. That referred to the state of things in 1838. At that time, an emergency arose with respect to the transport of troops to Canada. At present, an emergency had arisen as to sending ships from the coasts of this country to Africa. What was the state of our naval forces at that time and now? In 1838, we had three guard ships, so there were at present—and one at Lisbon. At the former period we had two line-of-battle ships at Lisbon; only one line-of-battle ship was there now. We had altogether, in 1838, eight line-of-battle ships, while the utmost disposable force at present did not exceed three line-of-battle ships, of which one was under orders to be paid off, another was fitting out for a flag-ship in the Pacific, leaving only, as available, one line-of-battle ship, which had been sent out in company with one of the flag-ships. This was the condition to which they had been reduced. Never, since

1825, was the naval force disposable on the coasts of this country in such a reduced and inefficient condition. It was true that there was a number of steamers of war scattered about, and some small steamers on the coast of Ireland. But it would be at once admitted that these were vessels on which they could not rely on occasions of emergency. Now, he wished to know whether Government entertained at present opinions with respect to the disposition of our naval forces similar to those given utterance to on the occasion to which he had alluded. He took the position of Lord Melville. No one knew better than did that noble Lord the naval exigencies of the country, and the requisite force to meet them. That noble Lord declared that three guard ships, eight line of-battle ships at home, and two at Lisbon, was not a sufficient force for the protection of the shores of this country. He asked, then, whether Government intended to increase our available naval force. He did not wish to be viewed as an alarmist. He believed that the power of this country was equal to all emergencies, but he did think that it ought to be the duty of Government to keep that power in a constantly available condition.

Sir *R. Peel*: I am very sorry that the right hon. Gentleman retains so vivid a recollection of the attack once made upon the Government of which he formed a Member; but all such matters are quite beside the question now under discussion. The House now is not engaged in discussing the Navy Estimates. To the question of the right hon. Gentleman, then, I shall give no answer. Her Majesty's Government are responsible for the state of the Navy; and when circumstances shall make it necessary to apply to Parliament for an increase in the Navy, Her Majesty's Government will make that application, and give due notice of the day when they intend so to make it. But, Sir, I did not expect to have had to-night a protracted discussion on the State of the Navy. The right hon. Gentleman says that I mistook the question put by the hon. and gallant Gentleman. The hon. Gentleman's question was, whether Government intended to reinforce the fleet in the Mediterranean? That was my construction of the question. I take the private note which the hon. and gallant Member wrote to me. That note inquired whether Government did or did not intend to reinforce the fleet of the Mediterranean. That was the question of which the hon. and gallant Member gave me notice, and if he did put the question whether it were the intention of the Government generally to increase our naval forces, he must, as to the reply, stand by the question of which he gave notice, a notice which I have in the hon. and gallant Gentleman's own handwriting.

Sir *C. Napier* had certainly written the note in question, but he had as certainly inquired of the right hon. Baronet his intentions as to the Navy in general. He saw no discrepancy in that. He might have been allowed to put the question which he had put—because, if they increased the fleet in the Mediterranean, they must increase the naval force.

Viscount *Palmerston:* I rise to say a few words; but I cannot help expressing my opinion that the Prime Minister is not entitled, under the present circumstances of the country, to express his surprise that the questions which have been asked of him, as to the amount of the available naval force, have been asked without any previous notice, or that it is necessary that a previous notice should be given of the intention of hon. Members to make inquiries, in order that Government may be prepared to answer questions on a subject of such absorbing interest, and vital importance. It is notorious to all the world, that questions are pending between this country and the French Government with respect to matters of the utmost importance to our interests, of the utmost importance, by the admission of Government itself. This subject is not now to-day, for the first time, brought under the notice of the Government. In fact, within a few days, not in this House, but in another place, Her Majesty's Government were interrogated upon the subject, and therefore I do not admit that Government are entitled to elude such explanations as may they deem it inconsistent with their duty to give, on the grounds of want of previous notice, and having been taken by surprise. As little does it appear to me that Government are entitled to say that the opinions which they may have expressed on the necessity of having an adequate naval force for the protection of the shores of this country, and what they may have said upon the subject when out of office some years ago, and when attacking the Administration then in power upon the subject of the Navy, that these opinions and these attacks were irrelevant and foreign to the present discussion. It appears to me that nothing can be more relevant, nothing more appropriate, than to ask the present Government whether, now that they are in power, and responsible for the safety, not only of the country, but for the inviolability of commercial treaties—now that it rests with them to determine the amount of naval force to be kept up—to ask them whether they now entertain the opinion which they expressed on a former occasion, that their predecessors had not then performed their duty. Sir, when my hon. Friends have shown that at the present moment, when questions are pending, which I hope will not lead to further difficulties, when they have proved that at such a moment our naval force is lower than it has been for many years, I think that when they have proved that, they are quite entitled to remind the Government of the opinion formerly expressed by its Members upon the subject. As to this discussion being one which should only be raised when the Naval Estimates were laid before the House, I think that that assertion is scarcely respectful to the understanding of the House. Events, great events, have occurred since the period for the discussion of the Naval Estimates, and it is mere idle trifling to tell the House that we are at present precluded from expressing our opinions upon those events. I shall not enter into details—I shall only express the qualified satisfaction with which I have heard the assurance of the right hon. Gentleman the Prime Minister that—although, let me remark, he has confessed that we are now unprepared, that the Navy is now in an inefficient condition—he will feel it to be his duty, should circumstances render it necessary, to propose such an augmentation of our naval force as may be required.

Sir *R. Peel*: I think this whole proceeding is most unfair—as unfair, Sir, as the noble Lord imputing to me that I said the country was unprepared, and our Naval Force insufficient for any emergency which may arise. So far from having said this—what I did say was, that there never has been a period when, within a certain time, not in an instant, but within a certain time—we could have at sea a Naval Force in a state of greater efficiency than we can have at present. These were my words, and the noble Lord had no right to impute to me an expression the reverse of which I used. If I had had notice of the question, whether we intended to increase the Navy Estimates, I would not have answered that question. But the right hon. Gentleman has charged me with not having answered the question of the hon. and gallant Gentleman. I stated that I did not understand that that question was as the right hon. Gentleman has interpreted it, for the hon. and gallant Officer himself told me to-day that it was with respect to the fleet in the Mediterranean that he intended to ask a question. So far from denying the right of hon. Members to ask questions, I answered all the questions I could reply to consistently with my duty; I certainly declined to follow the hon. and gallant Gentleman into discussions as to the pamphlet of the Prince de Joinville. Nothing can be more unsuitable to this place, and to the dignity of this House, than to discuss what a particular naval officer of France may have written. I have, I repeat, answered all the questions which have been put to me, excepting that as to the intentions of Government about increasing the Naval Estimates. I say now, what I said before, that Her Majesty's Government holds itself responsible for increasing these Estimates; and should circumstances arise to render such an increase necessary, Her Majesty's Government will not hesitate to come down and propose that increase,but I repeat that the matter is one which must be left to the Executive Government.

Viscount *Howick*: I do not understand on what grounds the right hon. Baronet complains of unfair proceedings. He says that he has answered all the questions put to him except one, which, under any circumstances, he would have refused to answer. Then, what has the right hon. Baronet lost by want of notice? He is not taken by surprise, I presume, at any statement which my noble and hon. Friends have made, as to the unprotected state of our shores. In former times, when we used to sit upon the benches opposite, there was no such great punctilio as to the manner in which an important question might be raised. It is quite Parliamentary when the question before the House is, whether an Order of the Day is to be read, for an hon. Member, who thinks that the state of the country is critical, to make what remarks he pleases. In the exercise of that power, remarks, most justifiable remarks, have been made, and I cannot conceive on what grounds they are complained of.

Lord *Stanley*: The noble Lord has omitted the point with respect to which my right hon. Friend really complained.

He did not complain that questions had been put to him, but what he did complain of was, that whereas the hon. and gallant Officer opposite gave notice of his intention to put a question, and that question, having been put and answered, on the question for the Order of the Day being read, hon. Gentlemen on the other side took the opportunity, not of putting questions, but of raising a discussion involving a question as to their own administration, and leading to a lengthened debate upon the state of the Navy, and all upon this question of proceeding to the consideration of a Railway Bill. Such a course of proceeding, if Parliamentary, seems to me to come very close indeed to a violation of the rules of the House, because one of these rules is, that on the question of reading an Order of the Day, no question can be raised but that of the postponement of that order, or that the other orders be proceeded with. It is an evasion of the rule of the House if no question be put, and yet a discussion raised upon any subject which hon. Gentlemen choose. If we had had notice that it was the intention of hon. Gentlemen opposite to raise, on the reading of the Order of the Day, a discussion on the state of the Navy, although we might not have considered it regular, yet we should have come down prepared, and no complaint would have been made; but when a notice is given of an intention to ask a question—and a question only—Government has no right to raise a general discussion on the state of the Navy now, as compared with its condition in 1841.

Railways.] Question put that the Order of the Day for the Second Reading of the Railways Bill be read,

Mr. *Gisborne* rose to speak to the Order of the Day. Although he did not intend to enter into any discussion as to the principle of the measure, he wished to address a few considerations to the right hon. Gentleman opposite with respect to the Bill. The foundation of the measure was, that a certain hypothetical arrangement contained in the Railway Committee's report should be adopted between Government and Railway Companies, upon conditions which would induce the latter voluntarily to agree to it. He thought that the general feeling in that Committee was, that any arrangement, made without the consent of the general body of railway proprietors, was not likely to be successful. He wished to put it to the right hon. Gentleman opposite whether, having started upon that principle, he would think it right to proceed with the Bill now that it was quite evident that the whole body of railway proprietors were arrayed against the measure. The right hon. Gentleman would remember that upon the main resolution, upon which this Bill was founded, there certainly was by no means an unanimous feeling in the Committee. That Resolution was carried, but only by a majority of six Members of the Committee to four. It was in these terms:—

> "That if, at the end of a term of years to be fixed, the annual divisible profits upon the paid-up share capital of any such line of railway shall be equal to a per centage to be fixed, or so soon after the expiration of the said term as the said per centage shall have been reached, it shall be in the option of the Government either, first, to purchase the line at the rate of a number of years' purchase, to be fixed, of such divisible profits; or, secondly, to revise the fairs and charges on the line, in such manner as shall, in the judgment of the Government, be calculated to reduce the said divisible profits, assuming always the same quantity and kinds of annual traffic to continue, to the said per centage; but with a guarantee, on the part of the Government, to subsist while such scale of fares and charges shall be in force, to make up the divisible profits to the said per centage."

There voted in favour of this Resolution six members of the Committee:—Mr. Labouchere, Lord Seymour, Mr. W. Patten, Mr. B. Denison, Sir J. Easthope, Mr. Maclean; and against it, four, namely, Mr. Gisborne, Lord G. Somerset, Mr. Horsman, Mr. Thornely. Considering the circumstances of the case, then, he would ask whether the House was prepared to go into the measure? The instances were few in which, with such a mass of evidence before them, the House had been called to found a measure upon it in the same Session of Parliament. The right hon. Gentleman must feel that, ever since this report had been in the hands of railway proprietors, the opposition to the measure founded upon it had been daily growing stronger, and now the universal Railway world was arrayed against the right hon. Gentleman's Bill, so at least he gathered from all the communications which he had seen from parties interested. A large body of Railway Directors, representing all the principal lines throughout the kingdom, had met in London, with the view of pressing the withdrawal for the present of the Bill. He was very far from saying that no legislation was required upon the subject; he was very far from saying that the present state of railway law was satisfactory; but he was opposed to precipitate legislation upon such an important subject. He believed that in every Railway Bill which had passed this Session, a Clause had been inserted to subject the Companies to any measure which might pass with respect to Railways in this or in any future Session of Parliament. The right hon. Gentleman would, therefore, gain nothing by pressing on the Bill. If he would take the recess to consider the subject, giving the Railway Companies the opportunity of enjoying the same advantage, a Bill might come on in the next Session of Parliament, with a much greater chance of unanimity of opinion upon its merits, than that which the present proposition enjoyed. He did not think that a regulatory measure carried in opposition to all the Railway Companies could possibly work well. By next Session, he thought it was very probable that the alarm and surprise with which Railway Proprietors now looked upon the Bill would be much allayed, and that then the right hon. Gentleman would be able to carry many of the principles embodied in the present measure with their concurrence and approval. The hon. Gentleman concluded by moving that the other Orders of the Day be proceeded with.

Mr. *C. Russell* was reluctant to take any share in the discussion at that early stage; but having an intimate connection with Railways, and having been appointed by the House a member of the Committee recently investigating this subject, he considered himself fully justified in seconding the Motion of the hon. Member for Nottingham. The right hon. Gentleman the President of the Board of Trade when he addressed the House on a former occasion had stated that he expected to meet with the entire concurrence of the Railway Companies, and, indeed, had gone far to pledge himself that he would introduce no measure on the subject which had not their approval. When the right hon. Gentleman laid the Bill in question upon the Table of the House he had further stated that he had reason to believe the concurrence of the Railway Companies in that measure would not be withheld. They were therefore surprised that he should persist in a measure to which they were unanimously opposed. The Railway Proprietors, felt that they had not been fairly heard before the Committee which had recently reported to the House. The witnesses who had been examined, and whose statements were embodied in the evidence which was annexed to the Report, were all of them selected by the right hon. Gentleman the President of the Board of Trade, and had been most skilfully examined by that right hon. Gentleman himself. Not one of the Railway Companies had been permitted to select those witnesses they would have desired to be examined. Neither they nor their representatives were permitted to be present at the Committee, contrary to every precedent though the principal Government witness was present during the entire proceedings; nor were they suffered even to know the nature of the evidence taken until it had been embodied in the Blue Book on the Table and laid before the whole country. Was this giving fair play to the Railway Companies? Yet, notwithstanding all the advantages thus taken by the Government, he affirmed that the scheme proposed by the right hon. Gentleman the President of the Board of Trade had entirely broken down. The Railway Companies had been led to anticipate a totally different scheme from the Government. They had been led to expect a reciprocal exchange of advantages and concessions, and all the evidence which had been taken on the subject was given on the basis of a reciprocal scheme. Even on this basis many of the most influential companies opposed the measure while those who did not absolutely oppose it, gave to it only a conditional concurrence. He was satisfied, if that had not been the belief of the Railway Companies, the right hon. Gentleman would never have received even the hypothetical support which he had received from them. How could Railway Proprietors have anticipated this scheme, when the President of the Board of Trade himself, had not made up his own mind upon it. On the 27th of March, three days before that Report was agreed to, the right hon. Gentleman (Mr. Gladstone) came down to the Committee, and admitted that his evidence had failed to sustain his views, and that the Government scheme must be abandoned, showing that, within so short a period as three days from that on which the Report was dete-mined upon, the right hon. Gentleman had not made up his mind upon the subject. He took one day to consider whether he would not abandon the Government scheme altogether, and this was whilst the Committee was actually engaged in discussing their Report. Until therefore the Bill which embodied the scheme of the Government had been actually printed and laid on the Table of the House, the railway proprietors could not have the slightest anticipation of its nature. But the moment they saw the Bill, and the nature of the scheme became known, the alarm which it created was universal amongst all those who were connected with that species of property. Petitions were prepared and sent up to the House of Commons, and the right hon. Baronet the First Lord of the Treasury; meetings of the railway proprietors were held to consider what steps were necessary to be adopted in order to protect themselves, and a deputation representing no less than 50,000,000*l.* of invested capital waited upon the right hon. Baronet, and earnestly entreated him to postpone the further progress of the Government scheme and to delay it until the next Session. The right hon. Gentleman the President of the Board of Trade had on that occasion asked the heads of the deputation whether, if this delay were agreed to, they had any chance of being able to come to such an agreement amongst themselves as would allow the Bill to pass during the ensuing Session. They replied, that they had a confident expectation that a delay of that extent would enable the Railway Companies to come to such an agreement as would satisfy the Government. Why the right hon. Gentleman had put that question he was at a loss to understand. Whether it was that he had desired and expected an answer in the negative, which he did not get from them, he did not know; but all he could say was, that such a question as he had described had been put, and the answer which he had stated had been made to that question, yet still the delay had been denied to them. On behalf, therefore, of the whole body of railway proprietors, he opposed the further progress of the Bill. On behalf of the proprietors of 80,000,000*l.* to 100,000,000*l.* of capital, he entreated the House to exercise those high functions with which it was invested, and to give them further time to consider the course which it was expedient for them to pursue on a question of such vital importance to them. He entreated the House to consider the fact, that the bulky volume which the right hon. Member for Newark had presented, had only been laid on that Table and circulated amongst the railway proprietary bodies since the latter end of June, and that sufficient time had not been allowed them to become acquainted with its contents, so important to their interests. Let him ask, was it possible that the Report and the evidence on which it was based could have been sufficiently considered by the House? Let him ask, had the Ministers themselves read it? He expected the House to consider the Bill, not in relation merely to the interests of the Railway Companies, but with reference also to the principle on which it was founded. He asked was the House prepared, looking at the matter solely on commercial grounds, to take so violent a step as the Government called upon it to take? He asked, was the House prepared, on political grounds, to sanction a measure which would place such immense patronage in the hands of Ministers, and that, too, without any precaution to guard the use of it? He asked, nay, he implored the House to give the Railway Proprietors until the next Session to consider what course was the best. He did not ask that the measure should be definitively rejected or abandoned; all he wanted on behalf of the Railway Companies was time, and he was satisfied that the House, looking at this important question in all its bearings, would not refuse so just, so reasonable a prayer.

Mr. *Gladstone* could hardly think that the hon. Member for Nottingham had well considered the effects which so extreme a proceeding as that contemplated by his Motion would necessarily produce. That Motion was so violent in its very principle that he was sure the hon. Member must perceive, on reconsideration, that it was hardly in conformity with the received usages of that House; for if affirmed it amounted to a total refusal to entertain even the consideration of the Bill which the Ministers had thought it their duty to prepare and present to Parliament. He had said, and he would repeat it, that the House was not in a condition to refuse to entertain the Bill until the Government had had an opportunity of explaining its proposed operation and the Clauses which it contained. When that explanation had been given, and when the measure with all its details and the reasons which had induced the Government to prepare and bring it forward, were before the House and the country, then it was competent for those who were out of doors to petition against its progress, and for those hon. Members who were adverse to it to move that its further consideration be postponed. But the Bill before the House was one which was founded on the Reports of several Committees of that House, and which corresponded in all respects with the recommendations contained in those Reports; and when a measure which had thus been prepared, and which had been sanctioned by the Committees of that House and by the Executive Government was thus presented to Parliament, he must say, that in his opinion, the House was bound to entertain it, and to give it an attentive consideration. The course which he had pointed out was the only one which would enable the House to proceed to the discussion of the measure; then would be the proper opportunity for those who did not think the question ripe for legislative interference to move such resolutions as would, if approved of, have the effect of retarding its progress; or, if they were afraid of being misunderstood, let them propound some more general motion, their concurrence in which would leave the question upon the footing that the House was not willing to proceed with it at present. That was the course expedient to be adopted, for unless the Order of the Day was agreed to, he could not explain the nature of the measure, nor could he state the reasons which had induced the Government to bring it forward.

Mr. *Hawes* did not see how the Government could, consistently with justice or reason, be permitted to proceed to the second reading of a measure avowedly founded upon a Report and a large volume of evidence which three-fourths of those who were called upon to take a part in the discussion, and to give their votes upon it, had not had time or opportunity to read. He must retort the argument urged to induce the House to let the measure proceed, and ask the right hon. Gentleman whether it was reasonable on his part to press the Bill forward when the House positively did not know the contents of the Report upon which it was founded? The right hon. Gentleman had all the advantage which a constant attendance on the Committee and daily familiarity with the evidence given there could give him over the House generally, whereas hon. Members had only had a few days. [Mr. *Gladstone* Three weeks.] Well, three weeks to read and consider the voluminous mass of evidence contained in the book on the Table, and let him ask the right hon. Gentleman was that sufficient time, encumbered as the House was with other business, to enable them to master the details of this important measure? Let him only remind the right hon. Gentleman of the variety and serious nature of the business which had occupied their attention and time during the last three weeks: there were the various Joint-Stock Companies Bills, there was the Bank Charter the Poor Law Bill, and other measures of importance, and how was it possible, he would ask, for hon. Members to do justice to all these subjects, and to acquaint themselves at the same time with the details of the Government Railway Bill? He had another objection to the precipitate mode of proceeding of the right hon. Gentleman; he did not think it was consistent with good taste. The speeches of the right hon. Baronet opposite, and the right hon. Gentleman on a former night during the present Session afforded him just grounds for taking a specific objection to the course now pursued by them. He relied on the explicit declaration of the two right hon, Gentlemen opposite, that the existing Railway Companies were not to be placed in jeopardy by the measure which the Government contemplated bringing in. The right hon. Gentleman said, on a former evening, that no existing Railway Company was to be effected by the inquiry which it was proposed the Committee about to be appointed should institute. Ad the right hon. Baronet (Sir R. Peel) had likewise distinctly stated, that whilst he admitted the evils resulting from monopoly and whilst it was to be regretted that the House had granted lightly and without forethought the exclusive privileges enjoyed by the Railway Companies, still, so important was the question which involved so vast an amount of capital, that he could not too earnestly warn the House how it interfered with the rights acquired by existing railways. He considered therefore he was justified in asserting that the conduct of the right hon. Gentleman opposite was hardly consistent with good taste, to have introduced so important a Bill at so late a period of the Session, and with so much Haste, and he moreover would seriously ask the House whether hon. Members were sufficiently informed on the subject to be enabled to proceed with it advantageously to the country?

Mr. *Colquhoun* said, that it appeared the right hon. Gentleman (Mr. Gladstone) had placed the question under discussion upon the footing of the great responsibility which the House would assume by refusing at that stage of the proceeding, to entertain the further consideration of the measure. He agreed entirely in the remark made by the hon. Member for Lambeth, that when the measure was brought fairly under the consideration of the House, the statement of the right hon. Gentleman would be fortified by his official position, his great talents and the intimate familiarity with the evidence upon which it was based, of which the House at present could not boast. The Government possessed advantages with respect to the Bill which Members at large had had no opportunity of acquiring. A voluminous book containing a Report, and a vast body of most important evidence had suddenly, and at a most busy period of the Session, been thrown down upon the Table of that House, and before time had been allowed for Members to make themselves acquainted with its contents, they found themselves called upon to take a step that was not only unprecedented, but which was, in his opinion, fatal, as it would be, a direct interference, on the part of the Government, with private property. The Bill before the House was one which would place in the hands of Government powers of such a nature that he could not have believed it possible for a measure so unjustifiable to have emanated from a Government of which the right hon. Baronet was at the head. He well recollected that when his noble Friend the Member for Dorsetshire called upon the House to legislate upon a matter involving considerations of humanity, the right hon. Baronet was the first to object to what he called an impolitic and uncalled-for interference with the rights of labour and of property. ["Hear."] He understood the taunt of the right hon. Gentleman; but he would remind the House that the right hon. Gentleman had first obtained from them the power of instituting a searching inquiry into the receipts and expenditure of the Railway Companies, he had proposed and obtained a most searching and inquisitorial investigation into the private concerns of individuals, an inquiry the most unfair and unprecedented that had ever been instituted by any Government, and upon the information thus obtained he had founded a measure tending to deprive them of their vested rights. He, for one, was of opinion, that the Railway Companies had no cause to shrink from the discussion which the right hon. Gentleman wished to accelerate. If the Government, with the information which it possessed, desired to force the question upon the House, he, for one, would not shrink from it. He thought that it was in the power of the Railway Proprietors to show that it was unwise in the Government to have proposed such a measure at all, but that to think of carrying it during the present Session was perfectly unreasonable. He did not oppose the progress of the measure from interested motives, for the amount he had in railway investments was an infinitesimal fraction; but he was actuated by the belief that it was a dangerous precedent for the Government to establish by its interference with private boards of management, and above all when these parties represented upwards of 80,000,000*l*. of invested capital expended in the formation of 2,000 miles of the best and cheapest railways in Europe.

Mr. *Wallace* begged distinctly to state that he understood out of doors that the railway interest in that House had come down prepared to stop discussion on this Bill, and that if they could not carry it by votes they would by postponement. Six years ago this month, upon bringing up the Report of the Railway Committee, a similar scene took place to that which was about to be enacted. All who were in favour of railways or connected with them opposed the improvements then suggested, although the majority of the House went with the right hon. Gentleman; and the question now was, whether the interests of the public at large should be considered, and discussed in that House upon the merits of a Bill introduced after a long investigation, or choked *in limine* by this and other manœuvres. On the 5th of February in this year the right hon. Gentleman moved for the Committee from which the Report on which this Bill was founded emanated; that Committee, however, was composed, much against his inclination, of a large proportion of Gentlemen representing railway interests. He said, a great many of that Committee represented railway interests, and out of twenty-six witnesses there were twelve who were brought forward in behalf of railway interests against the interests of the people. ["No, no."] Well, that was his way of putting it; and here was the beginning of a system of preventing the business of the House going on by those who claimed to have private interests in this matter. He understood that those who had pecuniary interests in it were not the persons who ought to be listened to, and that if he or any other hon. Member put any Motion upon that point, the Speaker would not permit them to vote. He should first give his support to the measure being discussed, as it ought to be, on the second reading, and upon that being carried he should then support the Bill.

Mr. *Gisborne* denied that he was the organ of the Railway Companies in endeavouring to stifle discussion upon this Bill. The course he had pursued was solely of his own concocting. It occurred to himself as he came up in the railway train on the preceding evening, and he took it without any communication with any person whatever. The ground upon which he took it was this: first, that the right hon. Gentleman was precluded by the course he had taken in Committee from bringing in a Bill opposed to the wishes of the body of Railway Proprietors; and, secondly, that the bulk of the evidence was a sufficient reason against not only this, but any other Bill on railways being introduced in this Session.

Mr. *H. Hinde* said, that if the right hon. Gentleman wished only to take a discussion on the present Session, he saw no objection to it on the part of Railway Companies, and he thought he might almost answer for the hon. Gentleman opposite, that he would withdraw his Motion. He was anxious that the right hon. Gentleman should have an opportunity of explaining away what he considered unfounded apprehensions of Railway Companies: but if the right hon. Gentleman proposed to take the discussion with a view to proceed further with the Bill, then he must say, he thought they were entitled in fairness to have such time as would enable them to read the evidence and rebut the arguments, if unfounded; and as they would not have that opportunity during the present Session he was prepared to support the unusual, but necessary, Motion of his hon. Friend. He would appeal to the right hon. Baronet and to the late President of the Board of Trade, and would ask them whether, where parties had invested their money to the amount of 80,000,000*l*., it would not be fair that they should have an opportunity of considering this Bill and answering the evidence, which, in some instances, was most contradictory? He took as deep an interest in this matter as any hon. Member in that House, but he had not yet been able to attend to it, and at the same time discharge his other duties as a Member of that House. If it were postponed to another Session it would be most advantageous to the measure itself, as hon. Members would then have had time to consider it, and on that ground he hoped it would not be pressed.

Mr. *Labouchere* took that opportunity of saying a word, as he differed from those with whom he generally acted. The question now before them was, not whether they approved the principle of the Bill (and he was bound to say he did), but whether the subject should be discussed at all. The question was, whether there was anything in the nature of the Bill, or in the circumstances under which it was brought forward, which rendered it unfit that the Bill should be discussed in the present Session. Now, he for one should deeply regret if the House were not to discuss the principle of the Bill fully, fairly, and dispassionately in the present Session. He was bound to say, in justice to the right hon. Gentleman opposite, that it was at least as much the Bill of the Committee who had been appointed to investigate the subject, as it was the Bill of the right hon. Gentleman and the Government, though, of course, they had the responsibility of the Bill, having adopted and sanctioned the recommendations of the Committee. What took place in that Committee? The right hon. Gentleman, the President of the Board of Trade came forward, in the first instance, with a scheme varying most materially from that which had been adopted by the Committee. The Committee fully discussed the scheme; they examined a great deal of the evidence, and came to the conclusion, in which he believed the right hon. Gentleman himself concurred, that it was not expedient to give their sanction to the scheme which the right hon. Gentleman had at first proposed. It was after having considered the whole question, listening attentively to the important evidence brought before them, that they had substituted for the scheme of the Government the scheme embodied in the Bill before the House. He was told that this Report having only been laid on the Table and before the public for three weeks, it was not fit that they should now take it into consideration. It was also said, that the Railway Companies themselves had not had time to consider it. Now, he held in his hand a paper emanating from the Railway Companies, and representing, he believed, twenty-nine of the principal of those bodies, and he found that the gentlemen connected with those Railway Companies had had time to consider the Bill quite sufficiently to pronounce the most unqualified condemnation of almost every one of its principles and details. If this were the case, how could he vote for any delay, or for further consideration, in the hope of reconciling these Companies to the provisions which he held to be advantageous? He hoped that what he had said would at least show to the House that it was fitting they should go into the consideration of this question. He believed, that the fair consideration and discussion of the Bill would remove from the minds of Gentlemen much of the prejudice, exaggeration, and misrepresentation which had been circulated on the subject. He was especially anxious, as a Member of the Committee, that this measure, which had been stigmatised as unjust and unequitable, should be thoroughly considered by the House. He did not agree with his hon. Friend, the Member for Greenock, in supposing that there could be two parties, the Railway Companies and the public, whose interests were separate and distinct. He held that anything that would be unjust to the Railway Companies would not be for the real interest of the public. He thought it would be easy to show that there was nothing in the Bill now under consideration that was not for the well understood interests of those Companies, as well as for the advantage of the public, or that was not consistent with the public faith and the principles of equity and justice. One observation made by his hon. Friend, the Member for Lambeth, he had heard with some surprise; his hon. Friend said that one reason why he wished the House not to enter on the consideration of this Bill was, that when the Committee was proposed by Government it was stated that they did not mean that anything in the Bill which was contemplated should apply to existing railways. Now he remembered the discussion in question, and so far from that being the case, he had complained to the President of the Board of Trade of the narrow terms in which he proposed to frame his reference; and that while his speech plainly pointed to interference with the existing Railway Companies, the reference clearly did not. The right hon. Gentleman then remarked that if that were so, it would be easy to alter it by an instruction to the Committee. That was accordingly done, and so early as the 19th of February it was moved as an Instruction to the Committee:—

"That the Committee have power to consider any regulations advantageous to the public with respect to existing Railway Companies generally, to which, in the opinion of the Committee, Parliament might justly give its sanction."

To say, therefore, that it was understood that the Committee was not to recommend any interference whatever with existing Companies, appeared a very extraordinary assertion. He hoped the House would now proceed to the discussion of the Bill in the usual way. He saw no reason for the course which was proposed by his hon. Friend; and if the Motion were pressed to a division, he must vote against it.

Sir *R. Peel* would answer the appeal made to him by his hon. Friend. There was an impression prevailing, that the railway interest was exceedingly strong—that the monopoly was a very powerful one—and that it was extremely difficult to propose any measure for controlling them. He was inclined to think that they were going too far, and that their monopoly might be very great, but he would advise them to husband their strength. It was most unreasonable to propose to prevent the Executive Government from stating its views to the House of Commons on the subject of railways, or to refuse to hear their sentiments on a matter of such high importance to the public interest. "Strike, but hear," was thought at one time to be a moderate request; but the proposal of the hon. Gentleman was not only to strike but refuse even to hear. It looked like an indication of apprehension and of a desire not to permit even a statement to be made. It seemed to say that they would not trust themselves to vote on the merits of the question, that they would not even hear a statement, that they would not permit a previous and erroneous impression to be removed by a speech from the President of the Board of Trade; but they would have resort to the course of moving the other Orders, that the President of the Board of Trade, on the part of the Executive Government, might not have an opportunity of explaining a public measure which had been brought in to protect public interests. What other motive could the Government have in offending a powerful interest but a desire to consult the public convenience, and provide for the public welfare. For what reason did his right hon. Friend propose to take any course with respect to railways? Did he come forward in the month of July on the part of Her Majesty's Government to propose some remedial measure? No, at the very earliest period of the Session he had moved for a Committee on the subject of railways. That Committee made a deliberate report, and the Government would have abandoned its duty if it had not embodied the suggestions of the Committee in a Bill, if it had not prepared the discussion of the measure on the second reading, and then devolved on the House the responsibility of rejecting the Bill on any future stage if they thought fit to do so. He most sincerely hoped, therefore, that his right hon. Friend would press the second reading to a division, and that he woul do all he could to give effect to such provisions of the Bill as should meet with the consent of Parliament. Under what circumstances were they now speaking? There seemed to be a renewed stimulus of life in the railway undertakings of this country. There had been sixty new applications for Railway Bills during the present Session, and next Session there would probably be an equal number. Now was the moment for the House to determine whether there should be legislation on this subject, or whether they would permit this time to elapse, this monopoly to be fortified, and next year leave no opportunity for Parliament to consider whether even in the new railways precautions should be taken against excessive exactions from the public. Great complaints had been made with respect to the system of canvassing on private Bills. Public opinion had succeeded in putting down that species of canvass, but it continued in full force, and was even spreading more extensively with regard to public measures, and though the House might not be able to control it, it was proper that public opinion should be brought to bear upon it. He had a letter from a correspondent, which said—

> "The Directors of a Railway have addressed a circular to me, expressing a hope that I would see all the Members of Parliament that I could, and use every exertion in my power to defeat the Government measure."

This was from a grocer at Deptford, who happened to be a shareholder in one of those Companies, and he went on to say, that he answered,—

> "I have confidence that the Government are legislating for the benefit of the community; if I had a vote, I should give it in favour of the measure. I have not had an opportunity of talking with many Members of Parliament, but probably after this, the Directors would not much wish it."

What could the motives of the Government be but to secure the convenience of the public, and particularly that class which had benefited least by the railways? Whether the House of Commons would come to a vote which would prevent the Government, influenced by no other motive whatever than to promote the public interests, from being heard, which would deprive his right hon. Friend, as the organ of the Government, of an opportunity of explaining, for their better consideration and decision, what this measure was, founded on the Report of the Committee, and in concurrence with the views which the Government thought should be adopted, he did not know; but till that Motion was affirmed, he never would believe of the House of Commons that the power of monopoly was so strong. He would not say that they would not defeat the Government, but that that power was so strong as absolutely to deprive Government of the power of explaining a measure intended for the public interests, he would not believe until the result of the division should be stated at the Table by the four gentlemen, whose duty it would be to take the numbers.

Mr. *Gisborne* seeing that the majority of the House desired to have a discussion of the measure, and hear the explanation of the right hon. Gentleman, he would not persist in his Motion.

Amendment withdrawn. Order of the Day for the second reading of the Bill read.

Mr. *Gladstone* was glad the time had at length arrived when the statements of the promoters and opponents of this Bill respectively might be compared in equal debate on the floor of that House. He confessed, so far as the contest had hitherto gone, it had been an unequal one. This was not a question of party, on which the Government could appeal to the sympathy of its supporters. It was not a question of that direct popular interest in which the passions of persons out of doors were likely to be largely interested. Government had stood on the ground of these measures alone, such as they might be, while every interest that the most assiduous and manifest solicitation could bring to bear against them had been employed in organizing opposition to this Bill. As regarded the amount of solicitation addressed to parties to oppose this Bill, that was a small matter. What he complained of was, that the statements by which this Bill had been opposed were, in their main particulars, entirely at variance with its real nature. They had during the present Session some remarkable instances of Bills misrepresented and misunderstood; but he would venture to say that no bill coming before Parliament had ever been more grossly misstated in the appeals made to the public to raise opposition against it, with respect to its particular provisions, than the Bill now before the House. It was most material that they should look to the circumstances under which this Bill came before them. It was not the Bill of the Government—it had originated with the Committee. He would ask, in the first place, of any Gentleman connected with railways, in what spirit the Railway Department of the Board of Trade had hitherto been administered. He would ask whether, as administered by the right hon. Gentleman opposite, that Department was actuated by a spirit of hostility, or a disposition to intermeddle with the concerns of railways. He would not dwell on this part of the case which was more remote, but he would remind the House that at the time when he proposed this Committee, so anxious was he to secure to Railway Companies of every description a full and fair representation, that in the list he prepared there were the names of four gentlemen actively engaged as Railway Directors in different parts of the country, and the feelings of the House were so distinctly expressed that the composition of the Committee was marked by undue favour and partiality towards railways, that he had felt it his duty to withdraw two valuable names from the Committee, in order that it might not lie from the outset under public suspicion. Complaints were made both in and out of the House of the undue favour shown to that interest, and the hon. Member for Bath had taunted him with having a packed Committee, one from which no good for the public, and no evil for the Companies, was to be expected. Such was the composition of the Committee, and he held it material to establish, beyond the possibility of a doubt, that those Gentlemen out of whose deliberate examination this Bill had arisen were men of whom no one would venture to assert that they were otherwise than favourable. He did not mean that they were men who had adopted the narrow view that there was always to be an opposition between the interests of the Companies and the public; they were men sensible of the services which those Companies had conferred upon the country, as well as of the necessity of maintaining entire and inviolate the public faith towards those bodies, and desirous of going the greatest length to secure their co-operation in whatever might be proposed. No one had found fault with the names placed on the Committee; indeed, with the exception of his hon. Friends the Members for Inverness (Mr. Morrison) and Kendal (Mr. Warburton), and of the two Directors he was obliged to exclude, his hon. Friends the Members for Clitheroe (Mr. Cardwell) and Renfrewshire (Mr. P. M. Stewart), the list comprised the names of almost all who, whether in a private or official capacity, were most conversant with the affairs of railways. The next proposition he should maintain was, that with the exception of his hon. Friend the Member for Reading (Mr. Russell), the Committee were essentially unanimous in favour, not of the precise Bill which had been laid on the Table, not in compliance with the opinion of the majority, but in favour of an interference, on the part of Government, at least as extensive. The hon. Gentleman had truly remarked that there was a question in the Committee as to whether the power taken over future Railway Companies should be a power of purchase only, or a power of purchase, combined with a power of revision. The Committee divided on this question, and the numbers were six to four. The hon. Gentleman had advocated in the Committee a power of purchase, and his hon. Friend had also done so, objecting to the language of the Bill, as not going far enough. He believed that both thought at least as great an extent of interference as was now proposed to be absolutely necessary; and that, with the exception of his hon. Friend the Member for Reading, who, from the first day when the Committee was proposed, had expressed in the most candid manner the strongest opposition, there was not a single Member of the Committee who did not believe that some measure analogous to the main provisions of the Bill, if not those very provisions, was absolutely necessary. The hon. Gentleman (Mr. Gisborne) proposed a plan by which a power of purchase would have been taken on behalf of the State, with respect not only to future railways, but to all railways. The present Bill, with respect to the power of purchase, had reference only to future railways, so that he was borne out in saying that the objection to this plan then made was not that it went too far, but that it did not go far enough. What did the petitions—he would not say of the Companies, for these petitions were not framed by the Companies—allege with respect to the evidence? That it was *ex parte*. He could not see how such a term could be applied to it, without depriving words of all meaning. If it were *ex parte* at all, it was so because it bore much more strongly in favour of the Railway Companies than against them. There were twelve witnesses who gave evidence on the general question; one an officer of the Board of Trade, Mr. Laing, of whom it would be a new view of the subject to say that he was a party man. Then there was Mr. Galt, who certainly was a man of strong preconceived opinions; the other ten out of the twelve were Railway Directors. There was Mr. Glyn, the Chairman of the London and Birmingham Railway; Mr. Hudson, who was a very considerable railway proprietor in the north; Mr. Baxendale, one of the largest railway proprietors, and Chairman of the South Eastern; Mr. Swift, agent of the Grand Junction, and one of the cleverest men connected with railways; Mr. Saunders, of whom he might remark that he was worthy to contest the palm of cleverness with him; Mr. Lawes, the active and able manager of the Manchester and Leeds Railway; the hon. Member for Clitheroe, Mr. Wilkinson, the Chairman of the Croydon Railway Company; Mr. Rowland Hill, who was so well known for his labours on another subject, and who was connected with the Brighton railway; Mr. Harding, a director of the Glasgow and Greenock Railway. Now, was there any meaning in words if such evidence could be called *ex parte* against railways? His hon. Friend said, the Companies should have been allowed to call witnesses, but to that proposition he must know it was impossible the Committee could have agreed. Had they done so, they would have overstepped the limits of their duty, and done what was contrary to the express orders of the House. His hon. Friend was in the Committee as a representative of railway interests; he did not mean to say deputed as such, but an active, vigilant, and able supporter of his views on the subject of railways. There was also the hon. Baronet the Member for Leicester, who had taken a prominent part as a representative of the railway interest. Did they offer a single witness to the Committee who was refused? There was also the hon. Member for Nottingham. Why did they not say that the evidence was *ex parte*? He was sure he might claim the hon. Member's assent when he said that the assertion was not only unfounded, but ridiculous and absurd. With respect to the details of the Bill, his hon. Friend complained that there was a power of inspecting the accounts—an extreme power; but as the Railway Companies were in the habit of publishing their receipts weekly, and their expenditure half-yearly, and both were to be found in the Railway Journals, he did not apprehend there could be any great hardship in this. The words giving the power might, perhaps, not have been considered with sufficient precision, but he wondered his hon. Friend did not see that this was a question for the Committee, and not for the second reading. Of the forty Clauses of the Bill, twenty-four related to the provisions respecting purchase; those from the twenty-fifth to the twenty-eighth related to third-class passengers. He must say that he felt strongly that the case of the third-class passengers by those trains was becoming a national question of great importance, and though averse to any general interference by Government with the management of these Companies, he did think it was wise to make a provision while it could be done without any breach of public faith, whereby those persons—being, as they were frequently, the least able to bear exposure to the cold, and obliged to remove frequently in search of bread, from one part of the country to the other—might be able to transfer themselves at the charge of 1*d*. a mile, without such exposure to the severity of the weather as amounted in many cases to severe personal suffering. It was on that ground they had introduced Clauses which certainly, so far as they went, were of the nature of interference. There were other Clauses regarding the public service, access of the public to the station and yards, conduct of inspectors, the prosecution of Railway Companies who exceeded the powers for which they were incorporated, contracts with Government, loan notes, and other matters so trivial that he need not mention them. But the most important question respected the power of purchase. If they could agree about that, they were not likely to quarrel about the rest; and if they differed about that, it would be a new question, on which he had not yet made up his mind, whether the rest of the Bill ought to be passed or postponed. Here he must complain of the gross misstatements made with respect to the nature of this Bill. The statement published to the world was, that the effect of the Bill was to enable the Executive to purchase or revise the tolls of future railways, on certain terms, if it should think fit to do so. It was assumed that the intention of the Bill was to determine whether it should be open to the State to do so. He saw hon. Gentlemen, Railway Directors, who were under that delusion. He would prove to them that the Bill was for no such purpose, and would have no such effect, and he was very glad the discussion had given him an opportunity of doing so. If the Bill gave the Executive the power to purchase the railways, or any one railway, at its discretion, he would vote against it, but that would be foreclosing a question which the whole object of this Bill was to open, and not to close. Government would have no absolute power of purchasing any line under this Bill; the Companies had power to make an agreement with the Government which should bind them, but Government had no right or power to make an agreement that should bind the State. Government could not take a step to buy any one railway existing, or to be in future constructed, without a resort to Parliament. An opinion might be entertained that even that course was not desirable. But the proposition he meant to contend for was, that Parliament ought to have that discretion—that, with respect to existing railways, Parliament was precluded from the power; and that, with respect to future railways, it was the bounden duty of Parliament to reserve to itself that power. Were there any Gentlemen within these walls under the impression that it was in the power of the Executive Government to purchase any, or to receive the tolls of any railway, under this Bill, without resorting to Parliament, because, if there were, he felt confident that they were wrong; but if they had read the Bill, and the effect of it was to convey such an intention, or such a meaning, he would join with them in amending the Bill, so that no such meaning should be conveyed. But it might be said, that although the Bill did not give this power to determine the question, whether it would be politic for the State to sanction the purchase or reversion, yet when the time arrived that that point should be submitted to Parliament, the question, although the mere mechanical and formal parts had been reserved, would be looked upon as settled. Had Gentlemen read the reports of the Committee, [" No, no."] Well, the most important of the Reports, as regarded the present Bill, was comprised in six pages, and had been on the Table of the House for more than three months, and if Gentlemen would read that Report, they would find that the ground taken by the Committee was this—that even if it were considered politic to purchase or revise, we were not in a condition to do so with respect to existing railways; we were barred from entertaining that question. So that the question of policy with respect to existing railroads was not open, and if the Government thought the public interest required, that existing railways should be purchased, or their tolls revised, the predicament they would be in was, that they must do so upon such terms as the Company might choose to dictate. The course taken by the Committee was, that having the most scrupulous regard to public faith, they would not attempt to retrieve the position of the State, with respect to existing railroads; but, with respect to future railways, they reserved those powers which would enable the State at a future time, if they thought fit, to resume those powers; and they reserved the question of the policy, also, to be considered at a future time. What, then, became of the argument with respect to the Government taking this power into their own hands? The point might be proper to be considered when it was actually proposed that the State should take these powers, but now it was beside the question. With railways the Legislature were dealing with a new system producing new results, and likely to produce unforeseen effects. Was it not wise, then, to make provision for the future? Was it wise to trust themselves to all changes which the next ten or fifteen years might produce with regard to public communication by railway, without a thought for providing for the difficulties that might arise. Was it wise to place themselves in a position in which, whatever might be the exigency, they would be debarred from any interference, because now, before these new companies had obtained their powers, it had been neglected to obtain proper powers to enable the question to be entertained. With respect to the purchase of railways, at the present moment, Gentlemen of great experience and intelligence had recommended that it should be so. He did not think the Committee had been prepared to concur in that view. He apprehended that if a resolution had been proposed to that Committee which inferred that it would be desirable now that the State should purchase railroads upon any fixed terms, the view of the Committee would have been that such a resolution was altogether premature. And he did not hesitate to say, that he would at the present moment vote against a plan for the purchase of railroads. He would do so, because in the present state of the system there were not grounds for coming to that conclusion. But it was a very different question whether he should reserve a free agency for either the purchase or revision at any future time, in case such a measure should appear advisable. He could not see that that was determining the point whether that purchase at a future time would be politic. He was anxious that the truth should be understood, because the construction that had been put upon the Bill tended to impress the public mind with the idea that the purchase of railroads was the object aimed at by the Government, and that the judgment of Parliament was to be left less free and unfettered than Government wished it to be. The third Report of the Committee adverted in two places to this part of the question, and he would read to the House these passages. What he desired to show was this, that the whole foundation of the complaints against the Bill as to the option of purchase was swept away, for nothing was to be done except renewing a discretion—and the distinction he meant to draw was not a mere technical one, but a real *bonâ fide* one—to enable the State, after a term of years, to purchase railroads, if, in the judgment of the Legislature it should be such as to render such a measure politic and expedient. The intention of the Bill was, to remove the preliminary bar which existed on the ground of public faith, to leave the question entirely free and open, and unfettered by the numerous and complicated considerations which now beset it. An hon. Member referred him to Clause 7, but was it not obvious that that merely placed the Bill in the form that would be requisite for the purpose if Parliament should determine upon granting the power? The Government could not purchase railroads without money. And Government could not get money without coming to Parliament. And Government could not come to Parliament for such a purpose without strong grounds of policy on which to justify the demand for money. He was unwilling to go into details, but he greatly desired to make those points clear which he deemed to be essential to the proper understanding of the Bill, because his complaint was, that the opposition to the Bill was founded upon an assumption altogether false; but if which assumption were true he should be inclined to join in the opposition. He had shown that the Bill did not enable the Executive to purchase or revise, because it could not do so without the money. But it had been said that the measure fettered and tied up the judgment of Parliament. Then, he said, invent any declaration, however authoritative, that should leave the judgment of Parliament obviously free, and he would join in it. It had been alleged that the purchase of railways by the State would cheapen the means of communication. Let the House listen to what the Committee said in the third page of the third Report:—

> "It is a question which the Committee are far from thinking themselves able at present to determine, whether it would or would not be advisable that the Government should at a future period endeavour to effect a material reduction of this charge; and although, on the one hand, it would be premature and most unwise in any degree to prejudge this question, yet in the opinion of the Committee it is desirable to reserve to public authority the means of forming a judgment upon it when a proper time shall have arrived, at least in all those cases with regard to which the Legislature does not stand committed, by proceedings already taken, to a different course."

That was the view of the Committee, and that was the authoritative interpretation of the present Bill, and the ground upon which it supported it; but if the Bill could be shown not to admit of this interpretation, he was willing to amend it. There was another passage much stronger:—

> "But although the efforts of earlier projectors have reduced to comparative certainty, for the benefit of their successors, much of what was to themselves doubtful and hazardous, it still remains in a high degree problematical what results of the railway system, at present unforeseen, may be developed during the next fifteen or twenty years. In this state of things the Committee would deem it unwise to enter into any engagements which should tend to restrain the free action of the Legislature or the Government in future times, as it is impossible to judge what amount of inconvenience might thereby be entailed; but they would propose that such powers only should be taken as, even though they may fall short of the full extent of the occasion when it arrives, may be either exercised for some substantial advantage, or at the worst, left in abeyance without detriment."

That was a proof that the Bill did not give the power to the executive, that it did not prejudge the question, and tie up the hands of Parliament, but that it left the question of the policy of purchase or revision open at a future date, and removed that preliminary bar on the score of vested interests and public faith, which, whatever might be now the opinion of the Legislature, prevents it for the present from approaching the question. He asked hon. Gentlemen to consider whether the allegations he now made were true, because if they were, there was not a petition presented by any Railway Company the allegation of which had anything to do with the question. It appeared by the Reports that the Committee were of opinion that they (the Legislature) had nothing to do with the question of purchase or revision, but that a state of things was arising which suggested the probability that in fifteen or twenty years hence it might be highly necessary that the State should resume control over the railroads. There was another difficulty which arose before the Committee, namely, the case of the carriers, acknowledged to be one of difficulty and grievance. They had parties coming before them, showing in detail the relation in which they were placed with existing Railroad Companies. The Railroad had gone among individual traders very much like a triton among the minnows, and the effect had been, in many cases, highly inconvenient to them. They had shown that their arrangements for communication, not merely upon the lines of Railway, but off them, were affected and deliberately controlled by the Companies. Now, without saying that the case was one ripe for decision, or that it was a national grievance, there appeared to be considerable hardship attending it, and the Committee felt that there were difficulties, of which they could not attempt the solution, between Railroad Companies and private traders carrying on their business along the line; but as the country became covered with a closer network of railroads, then difficulties and hardships would be increased, and the Legislature might be obliged to say to these private traders—Your case is one of great hardship, but we cannot help you, as we must assume a general power of interference with respect to carrying, in order to secure justice to these private traders. A proposition had been indeed made, that the Government should assume a general power of interference as regarded carriers—a proposition which would certainly cure the evil as regarded those carriers, but which was open to the objection that it did entail a great degree of interference on the part of the Government. But the Committee showed that there was a grievance for which they were unable to point out a remedy, and they showed that as grievances of this kind became more numerous and weighty it would be material that the judgment of Parliament should be exercised concerning them. Then the question arose as to economising the means of conveyance. That was an extremely large question. The payment made by the public to the Companies for conveyance was between five and six millions yearly, and it would not be considered exaggeration to say that some fifteen or twenty years hence the payment made for conveyance would amount to not less than fifteen millions. Now, when the subject was upon such a scale as that, it became a Government question of national policy; and if it were true—which he did not assume it to be—that the experiment of a large reduction of fares might, under certain circumstances, be carried into effect with immediate relief to the public, and with but a small loss upon the aggregate net receipts upon railways, that was a question which made it most important to vote, not that you should purchase the railways, but that the means of doing so without breach of public faith should be given. Such a system of economising could not be expected to proceed from the railroads generally. Foreign railways—those in Belgium for example—were cheaper than ours. He did not say they were so good, but they were certainly cheaper—the charges were perhaps not much more than one-third of the charges here. It might be said that this was a richer country; but that seemed no reason why the public should pay for their railway communication more than was necessary. But the experiment of cheapening railway communication could never be made under the present system. The hon. Member opposite mentioned the Greenwich line. It might have been tried there, or by that enterprising company of which the hon. Member was chairman, or upon the line between London and Dover, but it had not been tried upon such a scale as really to develope its effects upon the country. To be properly tested it must be tried upon a most extensive scale, although he would not say the whole country. The experiment could not be expected to be tried under the present system, because they had to deal with an almost indefinite number of independent Companies, some of them fixed to what was called the high-fare system, by which it was supposed something more was produced, and they did not look at comprehensive purposes and national objects. But under the present system, if nine out of ten companies were in favour of the experiment of cheap communication, it would probably be in the power of the tenth to baffle the effort. That was a reason which made it wise and politic to retain in their hands for use at a future period, if it should be deemed politic, and not to be used at that period if it did not seem politic, a power which should enable them to deal with the case as a question of policy, and not to be embarrassed at the very threshold of the subject, with the charge that they were guilty of a breach of the public faith. He therefore called upon Parliament to preserve its own free agency. He contended it was impossible for the Executive Government either to purchase or to revise, without reverting to Parliament, and the Reports of the Committee and the declaration of the Government showed that there was no intention to foreclose the question, but to open it and to place Parliament in a position which would enable it to entertain and decide the question. The hon. Member for South Lancashire had said, "Take the option for all or nothing," but he objected to do that, on the very ground of not foreclosing the judgment of Parliament on the question. He might be asked why were not the Government content with a simple reservation of the right to Parliament. An Act of that kind would have remained *brutum fulmen*, like the Resolution of 1839, or it would have so operated as to give a shock to railroad property. Did hon. Members mean to say that this Bill gave a shock to railroad property? He would come to that point by-and-by. But if Parliament had been asked to enact simply that it should be lawful to purchase railroads hereafter, the first questions that would have been put to the Government would have been, "Tell us when, and tell us upon what terms?" It would be impossible, he contended, to make a naked simple Resolution of that kind. Either it would be fruitless, or if interpreted arbitrarily, it would have given a shock to railroad property. The Government thought, then, they were bound, in reserving this power, to tell those parties who were now going to invest large sums in national improvement, what were the terms and the limits within which, if Parliament thought fit to purchase or revise, it should so purchase or revise. The next question was this—how it happened that the old railways were the objectors to this Bill, affecting only the new railways? Those parties, with respect to whom it was proposed to exercise the discretion of the right of purchase, were not in general opponents of the Bill, but the parties who raised the opposition were the old Railroad Companies, with respect to whose rights a most scrupulous regard had been had, and over whom the power of the Bill declined to take that right, because they thought it would impose upon them the imputation of a disregard of public faith and vested interests. The ground these old Companies took was this, as contained in the paper they had chosen to call their reason—that they alleged they should virtually be included within the scope of the arrangement—that they would be driven into it—that the Government would force them to come in on their conditions, however ruinous and oppressive. That was the doctrine taken up by the old railways. Was that the fact? He had shown that the Government could do nothing, and he called upon the parties to alter the paper they called their reasons, and to substitute the words Parliament or Legislature for the word Government, for the Government could do nothing in the way of forcing the old Companies to come in; and when those parties said they should be compelled to come in upon ruinous and oppressive terms, they impugned the judgment of Parliament, and not of the Government. After the specimen of the opposition to the Bill which had been seen in that House, was it likely the parties would be in a position to be compelled to come in upon terms that would be ruinous and oppressive? These Companies were really too modest — he recommended them to have a little more self-confidence. But if anything could weaken them, it would be the course they had taken, and the tone of high and exaggerated pretension they had adopted. He apprehended he was at that moment addressing a majority of railway proprietors. His own family were as extensively interested in railway property as any in this country. There was no one, perhaps, more interested. The mass of property invested in railways was not less than 50 or 60,000,000*l.*, and their Parliamentary strength was evinced in the nature and manner of the opposition given to this Bill, and he repeated, in regard to the high and exaggerated tone of their pretensions, that nothing could weaken them but an undue use of their property. Had Parliament shown a want of inclination to appreciate the obligations of public faith? Had the spirit of any executive Government been against them? Had there been a disposition to coincide with the clamour out of doors? No; the contrary of all this had been the case. Many weaker interests than that of railways reposed in security, and railway interest was, perhaps, the strongest in regard to direct influence upon votes of Members. What colour was there for the assertion that they were likely to be dealt with contrary to the maxims of public faith? It was quite untrue to say, that the Government were calling upon the Railway Companies to place confidence in the Executive. He did not ask them to give to the Executive a power of dealing with these Companies; what he was asking them to do was, to give that power to Parliament, but these companies said—"Do not do it this Session, postpone it to the next." Now, it really did seem odd to him, that if they had no confidence in the judgment of the present Parliament, they should have any confidence in the judgment of any future Parliament. Nothing was more futile, nothing more ridiculous, than the apprehensions on the part of these great and powerful combinations and associations of parties, that if any unjust and oppressive measures in regard to Railways were hereafter proposed, Parliament would be found ready to adopt them, and that those companies would have no power to resist and prevent them. Again, it had been said, that under the optional power proposed to be given, the Government might purchase some poor railway, and make use of it for the purpose of running down a rich one. His answer to that was twofold. Government could only do that by applying to Parliament to supply the means, and whenever any proposition of that kind was made, it would be competent for these companies to show that it would be a most unjust and unworthy policy on the part of Parliament to supply the Government with a large purse to ruin parties who had done a great good to the public. That would be as good an objection then, as the objection which was now made was unsound. But if the objection he was now replying to was good for anything, it was an objection which might be made to the existing power of the Government, for Government could do the same thing now. No doubt there was some cheap Railways existing now, and if Government were inclined to buy them, to run down more prosperous concerns, what was there to prevent them from doing so. What security was there against it? Nothing but this, that Parliament would not sanction such a purchase. But those who made this objection knew that this Bill was not proposed with any such motive or object, and even if it were, the parties would be secure against any such adoption on account of its injustice, and their own strength would be employed in showing that it was not founded in equity. He thought the two main and principal objections upon which this Bill was opposed, were first, the supposition that it was a Bil which went substantially to enact that railways should be purchased by the Government, and secondly, as to the time of its being brought forward. He was not aware that any argument had been urged against the Bill that did not resolve itself into one or other of these two objections. With respect to the first objection, he had gone sufficiently into that already, he would now, therefore, address himself to the objection made as to time. He would admit that if Parliament were now called upon to sanction any specific purchase by the Government, or to adopt any revision of existing Railways, the objection as to time would be a strong one. But these were not now the questions. It was not a measure of definitive legislation as to any purchase or revision; though he was aware that the Bill did enact certain details—such as giving a power of inspecting accounts, of referring matters to arbitration, and so on. But these were details which they were not now discussing. What they were discussing was this, whether they would take certain precautions to secure to Parliament certain powers, those powers to be exercised in relation to all Bills which had not been proposed, at or previous to the time this Bill was brought forward? Reference had been made to the Blue Book containing the evidence before the Committee, and it was said that that book had only been three weeks on the Table. Granted; but that book had relation more especially to matters which were not now before the House. The Bill rested upon the Report of the Committee, and more especially upon the third Report, and he did not consider that either that or the other Reports of the Committee stood greatly in need of evidence. It was originally the object of the Government and of the Committee to make an arrangement for the future governance of Railways, to which there should be given the assent of every Railway Company in the kingdom. For a purpose of that sort he admitted that it would have been necessary that the House should have had more time to consider in detail the views of all parties connected with Railways; but it was soon found that this universal arrangement was impossible; therefore they retrenched their measure, and determined to propose nothing on the score of revision or purchase but what appeared to them might be defended as a measure of public policy, irrespective of any Committee or of any evidence whatsoever. The reserving to Parliament a discretionary power was a matter of principle so grave, and involving so many considerations, that even if all the Reports of the Committee, and all the evidence taken by them were lost, he would not have scrupled on grounds, accessible to all men, to recommend it to Parliament. Therefore, he denied that the House not having had the evidence before it for a longer period, was any objection to their proceeding with this Bill. How stood the truth of the case with regard to this question of time? The proposition they were now discussing was respecting the option to purchase and the power of revision; and he begged to ask who had raised the question as to time? Did the House recollect how long the proposition for reserving to the Government an optional power to purchase had been before the public? The third Report of the Committee was agreed to on the 30th of March, and it was printed and laid before the House on the 3rd of April. More than three months, therefore had elapsed since this main recommendation had been in the hands of Members and under their consideration. Now, he conceived that he himself, and those who were the friends of the Bill, were the parties who really had a right to say that they had been taken by surprise. The hon. Gentleman had been, he believed, an opponent of the Bill but the third Report of the Committee referred wholly to the principle of option to purchase, and the power of revision such as was recommended in the Bill itself. Now, that Report was laid on the Table on the 3rd of April. One hour's inspection of that Report would have enabled the hon. Gentleman to have discussed the question of national policy which the proposition contained. He, therefore, and his friends had a right to say that they had been taken by surprise. It was not that this Report was published so long ago as the 3rd of April, but the fact was that few documents had ever issued from the press under the orders of the House of Commons which had been the object of a greater degree of attention. It was true that there prevailed perfect quietude on the subject, but why? Because no voice was heard but that of universal approbation. There were two descriptions of the newspaper press — the railway newspapers and the political newspapers. This third Report of the Committee was printed in all the railway newspapers, and in all the London newspapers, and was made the subject of detailed comments by all of them: and the whole press joined in expressing their admiration of the moderate views and cautious tone of this Report. These were facts. There were no views in opposition to that Report. Did those who now opposed the Bill not know this? All the Railway Companies were three months ago perfectly aware of what had been done. They knew that the utmost degree of public attention had been drawn to the subject; and that nothing but universal assent, concord and praise was to be heard respecting it. One hon. Gentleman opposite had said, that the third Report of the Committee would make a noise in the country. Now, this Bill was founded mainly on that third Report; and that Report had been three months before the world, and discussed more than any such document ever was before; and until another document came in view it was received with universal admiration. Upon these points he would challenge contradiction. Some Gentlemen had said to-night that there was a universal alarm at these proposals. He should presently dispute that proposition; but, with respect to the time when the plan was first published and discussed upon its own merits, there was no alarm whatever and there was nothing shown but a disposition to adopt the plain, wise, and moderate views taken by the Committee. He had to complain of the misrepresentations which had been made on this subject in the petition of the London and Birmingham Railway Company. In their petition that company stated, "that the Select Committee, upon whose Report the Railway Bill was founded, had been sitting during the greater part of the present Session." That was true. The petition then went on to say, "that although the Committee made short reports from time to time, yet the last and most important document was only laid on the Table on the 24th of May last, and that the printed evidence, which was very voluminous, was not presented to the House till a fortnight afterwards." Now that he (Mr. Gladstone) complained of as a misrepresentation. For what was the real meaning of that paragraph? It was that it should be understood that although there had been minor reports relating to minor matters before the 24th of May last, yet that the Report on which the Bill was founded only came before the House on the 24th of May. Now what was the fact? The Report of the 24th of May related chiefly to minor details, with which the Bill scarcely had anything to do; whereas the great object of the Bill—that of reserving to Parliament the option of purchase, and the power of revision—was wholly dealt with in one of those short Reports, and which was laid on the Table of the House on the 3rd of April. This was a misrepresentation. He did not, however, mean to impute it to the directors of the company although it bore their seal; but he imputed to some of their officers whose motives and meaning he might have occasion to allude to by and by. While the London and Birmingham Company was petitioning on the score of time, he would give an extract from the evidence of the Chairman of that Company. It was said, by Gentlemen opposite, "put off this Bill till next year." But the great and anxious wish of that Gentleman (Mr. Glyn) was, that the Bill should be proceeded with as fast as possible. That gentleman was asked,

> "Are you of opinion that the present time is a convenient time for entering into the consideration of a general arrangement of that kind, or do you think that if they were postponed for another Session of Parliament, Parliament on the one hand, and the Railway Companies on the other, would stand in a better pesition for such an arrangement?—I cannot see that any good could arise from the delay; and I conceive that you have the advantage of legislating for a great many Railway Companies."

This question was also put to him—

> "Assuming that no measures are taken by Parliament for systematising railway regulation upon some general principles, what do you think in the course of the next few years would be the result?—I am afraid that the property of many of the existing railways must become very seriously depreciated."

That was a question with respect to time. You say, "put this Bill off till next year." If the House were called upon to discuss a measure full of executive details, that might be a very proper suggestion, but as applicable to a precautionary measure, mainly to reserve discretion to the Legislature over new railways, it was a suggestion totally void of foundation. He wished to show that the plea of "time" was the most naked and empty plea that could be advanced. The parties knew that the Bill was coming. There was ample time to consider the question it involved. At the top of page 2, in the Third Report, it was stated—

> "It appears, therefore, to your Committee, that the present moment, while Parliament still retains in its own hands an entire and unimpaired discretion with regard both to the incorporation of new Companies, and to the enlargement of the powers of old ones, affords an opportunity more favourable than any that can be expected hereafter to recur, for attaching beforehand to the Legislative sanction, which is sought by these parties on their own behalf, the condition which may be deemed necessary for the public good, and which may realize and apply such conclusions as our experience of the railway system up to the present time may be deemed to have sufficiently established."

The Companies, therefore, could not say that they had been taken by surprise by the introduction of this measure, because he had shown that the Committee so early as the 3rd of April, pointed out that the present moment was the moment at which Parliament ought to legislate, and that the consequence of delay could only be to increase the disadvantages that now existed. What would be the result if the Bill were postponed to the next Session? At the beginning of the next Session it would be impossible to attract the attention of the House to any proposition for general railway legislation. Other questions involving inferior interests would overthrow it; and it would be late before they could arrive at the discussion of the details, and that discussion would be taken under great disadvantage. Those powerful Companies that were now somewhat strong in impeding the legislative power of Parliament, would become stronger by delay. If they were now strong in their opposition to this Bill, they would increase in strength in a future Parliament. He therefore warned the House how they let slip the present opportunity for adopting a proposition which he thought would be effectual for the execution of those powers it was deemed wise and salutary to establish. If this were done, it should not be his fault. If the House allowed this opportunity to pass by, on them be the responsibility. Did the House think that when they should have to confront twice the power they now had to contend with, increased as that power would be by the success of their efforts now, over a Committee of the House of Commons, and over the Executive Government—did they think that their opponents would be more moderate then than now? Considering that, even now, they would not allow Parliament to reserve a legislative power over future railways, how much greater would be their opposition after they had shown their strength, and the House had shown its weakness by truckling to that power. To the postponement of this measure, therefore, as truckling to that power, he would be no party. This was a curious and instructive part of the case. One portion of the opponents of this Bill were Directors and officers, and parties connected with railways, who adopted the very high line against the interference of Parliament altogether. The Chairman of the Great Western Railway Company, the hon. Member for Reading, was the chieftain among that class. He, with others, adopted what was called the high line; that hon. Gentleman was opposed to proceedings to legislate upon any general principles, and he seemed to think that he was supported by all the Railway Proprietors in the doctrines which he endeavoured to enforce; but that was a great mistake. He (Mr. Gladstone) knew several very large Proprietors of railway shares, who did not join in that opposition to Parliamentary interference. There were no public meetings held on the subject. He would undertake to say that of the Grand Junction Railway Company, there would be no public meeting to oppose the present Bill. A majority of the Directors might petition Parliament, but there would be no public meeting of the Company called. No doubt some of the Directors might say, as some of the Directors of other Companies did, that all Parliamentary interference was inexpedient; that things ought to be left as they were; that the Legislature ought to trust to the effects of competition; that the system which now existed, had given the country a great many very fine railways; that the public were now carried faster and at a cheaper rate than they had ever been. It was said, let matters, therefore, be allowed to go on as at present, and let the country trust to the effects of competition. Now, for his part, he would rather give his confidence to a Gracchus, when speaking on the subject of sedition, than give his confidence to a Railway Director, when speaking to the public of the effects of competition. Those who took the high line, as he said, told the world, that the effect of the proposed plan would be to chill all competition, and if hon. Members did not shut their eyes, they must see sufficient of competition to form a sound judgment on the present measure. But now he came to the notable quarrel which had subsisted for a time between the London and Birmingham Company on the one hand, and the Grand Junction on the other, and in which those two Companies were at deadly odds; and so far as Railway Companies could be said to be capable of ferocity, they might be described as ferocious. It was said, that one result of this quarrel would be most flourishing prospects for the public; there were to be several new lines of railways; the Chester and Birmingham was to be carried on to Birkenstead, then there was to be one from Shrewsbury to Chester, and thence to Liverpool. For the public advantage all this was to be done. But the Grand Junction Company were determined to show as much public spirit, and so they projected a line from Stafford to Bedford, completing the line the whole way to London, independently of the London and Birmingham line.

This was the nature of the dispute between the two Companies. But these Railway Companies were singularly philanthropic among themselves. Their quarrels were like lovers' quarrels, and they reminded him of a quotation once felicitously made use of by Mr. Fox—

> "Breves inimicitiæ, amicitiæ sempiturnæ"

The two Companies met together and made up their quarrel; but the line from Birmingham to Chester, and from Stafford to Bedford, were gone to the land where all things were forgotten. He would show to what extent the doctrine of this high school of non-interference on the subject of railways went, by referring to the evidence of Mr. Saunders who belonged to that school. That gentleman was asked:—

> "Do you not think that as matters now stand, if another Railway Company is ready to come forward, and offers to carry the public at a lower rate than the London and Birmingham now carry them, that is a reason for Parliament to say, we will have the public carried cheaper, and therefore will sanction the line?" The answer was—"Most unquestionably not." "The London and Birmingham charging 30*s.* for a first-class, and 20*s.* for a second-class passenger, I understand you to say that if a body of persons, competent in point of capital, were to come forward and say, 'We are ready to make a Railway, and to give all the accommodation the existing Railway gives, and to carry at 20*s.* and 15*s.*' Parliament ought not to sanction those parties going forward with their project?"—Answer: "Most undoubtedly I do say that."

The fear which Mr. Saunders and others entertained was that the effect of the proposed interference by Parliament would be, that a panic would prevail amongst all Railway Proprietors, and no one would again apply his capital to such purposes; and this he (Mr. Gladstone) would say, that if the present Bill were defeated, that defeat would be mainly owing to Mr. Saunders. But, all this time, it was not unimportant to remind the House, that out of doors there prevailed a great deal of ignorance with respect to the provisions of the present Bill. Exception was taken to it on the ground that it would enable the Executive Government to purchase railways whenever any Company came to Parliament for an extension of powers—that, in fact, in such a case such Companies would be liable to purchase or to revision. Now, the whole of that was untrue. Both the one and the other of these statements were untrue, for in such circumstances Companies would only be liable to new regulations affecting third-class passengers. But there was a deeper power in the opposition, and he might as well use plain language, and that power was that of Parliamentary agents and solicitors. They were the great opponents of this Bill. With them an effective opposition rested. Why was their third Report suffered to remain a dead letter? Why did it remain still-born with regard to all opposition? Because it made no allusion to railway agency. Did he speak without ground for what he asserted? They were the parties who knew how to get up an opposition in this House; they could talk aloud of the public interest, and draw up Petitions, in which, whilst they steered clear of direct untruth, yet made statements which were wide of the fact. He granted that this Bill would have a great tendency to curtail the proceedings in obtaining Bills, and consequently their profits. The subject was under consideration of the Committee of proposing a Model Bill, which would get rid of some portion of the trouble and delay which now existed. But he had shown by dates that that was not proposed by the Report which was laid before the public so early as the 3rd of April. No opposition, therefore, was made to it, although it contained the whole plan proposed in this Bill. But when they came to the fifth Report, it was then that this opposition arose. The London and Birmingham Petition described it as the largest and most important Report. It was in that Report that the Committee, at considerable length, stated their reasons for thinking that some fundamental change in the present system of railway legislation was required. Could there be any dispute upon that point? Could any man, looking at the enormous cost of passing Railway Bills, say that the House ought to stand still upon the subject? One part of the proposed system of party legislation was, that it was considered time to lay the axe at all events to the root of that tree. The Committee had, therefore recommended that all schemes for future Bills should be examined by an impartial authority, and it had been suggested that that authority should be the railway department of the Board of Trade. To some such authority this reference must be made, for it could not be under the immediate control of the House of Commons. He should have been very glad if it could have been so; but as the House sat only for six months in the year, and as those Bills were generally prepared during the other six months, it was impossible that the House could appoint officers to make the preliminary examinations, by which the Bills might be prepared and sifted for the judgment of Parliament. He need not tell the House the enormous expense which attended the passing of Railway Bills by means of Parliamentary agents; thousands of pounds were paid, benefitting nobody but these persons, who were extremely well in their own way, but had no claim on the public. Do not let the House suppose that he who being at the commencement of the Session the most determined advocate for railways, but who now he feared had lost his character in that respect, and was considered by his former friends as being the most deadly opponent of railways—do not let the House suppose that this was a Motion of his or of the Committee. It was a question of Parliamentary reference to the Board of Trade, which had been advocated very strenuously by many of the witnesses examined before the Committee by Captain Lawes, Mr. Glyn, Mr. Swift, Mr. Cardwell, and others were all exceedingly strong upon the question of reference to the Board of Trade. When they come to the fifth Report they found these observations:—

"The Committee entertain the opinion that the announcement of an intention on the part of Parliament to sift with care the particulars of railway schemes, to associate them with the public interest (in the cases of all future schemes, and of all subsisting Companies which may voluntary accede to such an arrangement), by the option which they have recommended to be taken to facilitate the elucidation of the facts by Reports from competent and responsible Officers of Government, and, at the same time, to relax, wherever it can be done with safety, the restraints heretofore imposed by the Standing Orders of Parliament upon railway enterprise, will produce very beneficial effects in deterring parties from the attempt to entrap the public by dishonest projects, in securing railway property against the shocks to which, in periods of great commercial excitement, it must otherwise be liable from such causes, and in assuring to the projectors of new enterprises, qualified to bear examination upon their merits, the means of establishing their case, and of confronting illegitimate opposition with a degree of facility much greater than any which they have heretofore enjoyed."

This, Sir, continued the right hon. Gentleman, is the recommendation of the fifth Report. The fifth Report does not contain the present Bill. It only relates to secondary points. The third Report contains the present Bill, and I will show you that the third Report was assailed by no disapprobation for two months. The fifth Report was presented on the 26th of May, and was delivered on the 8th of June: and on the 11th of June—two days after it was sent out—a circular was sent out, signed "Hunt and Co." addressed to railway agents and solicitors calling upon them to consider what measures should be taken in consequence of the proceedings of the Committee. I have written to ask their authority to petition against the Bill, and whether they were authorised by the Companies. They say they were, because the meeting was called by circular, inviting the parties to come together and consider the provisions of the Bill. Now this is wonderful, because the article was written on the 11th of June, and the Bill was not presented until the 20th of June, and was not printed and published until the 24th of June. I have shown you that it was not when the Committee recommended the enactment of this power of revision or purchase that the Petition arose. It was not then that any shock was given to the Proprietors of Railways, and was not then that the secretaries and others became alarmed, and the lobbies became crowded with parties immediately employed by the Railway Companies to solicit Members for their votes—it was not then this plan came out. No, Sir; it was when we advised that the Bills should be referred to the Board of Trade, and when the Committee intimated an opinion that that reference would cheapen the proceedings before Parliamentary Committees. This is the powerful element of the opposition and of all that has taken place to render the Bill unpopular. I have pointed out the secret source from which this movement has arisen. The hon. Member for Reading and other hon. Members will understand that I do not speak of them. They have been the opponents of the Bill from the first. I speak of those from whom the movement derives its organisation; and I say, that those Gentlemen who came here on a misrepresentation of the nature of the Bill, to oppose it, are made the unconscious instruments of maintaining a lavish, and extravagant, and discreditable system of private-bill legislation before this House. I am sorry I have been obliged to detain the House so long, but there is one other subject on which I wish to make a few remarks, and it is the last topic on which I shall trouble the House. The Bill is represented as an attack upon railway property, and the hon. Member for Sheffield intimated that it had given a great shock to that property. It is really a farce to make use of such an expression, for there has been no shock to railway property. Even at this moment there has been no shock to railway property, and there has not been even as much as a dull day in the railway market. This Bill proceeds from the united recommendation of a Committee and the Government, and am I to be told that if a Bill so recommended, and involving such mischievous enactments, is recommended to the House of Commons, that there will be no reaction upon the railway share market? It is there that the real opinions of the proprietors are to be seen, and not in the petitions which have been got up against the Bill by parliamentary agents. That Committee did not consist of one party in the House, but comprised men of all parties. Will any man tell me that if such a Bill had really been an attack upon railway property that the share market would not at once have shown what the real character of the Bill was? But I have double evidence on this subject. In the first place, the shares have been rising since this mischievous Report was produced. I need not trouble you with many details. On the 13th of April the price of the shares of the Great Western Railway Company was 110, but on the 29th of June the price was 123. Two months after this mischievous Report, this attack on railway property, this unequivocal measure had been recommended by the Committee, a Committee sitting under the countenance of the Government, the Great Western shares rose from 110 to 123. Other railway shares have risen in about the same proportion, some more and some less according to circumstances, but upon the whole there has been a considerable improvement in railway property since that time. The shares in the Great Western have actually risen since the unfavourable issue of the Railway Deputation which waited on my right hon. Friend. On Monday last a most lugubrious body of men, composed of those classes whom I have described, waited on my right hon. Friend. In the front were many Railway Directors, and in the rear great multitude of Railway Solicitors. These parties requested my right hon. Friend to postpone the Bill, but they received a very distinct intimation that the Government felt it their duty to press it upon the adoption of Parliament, as they now press it upon the adoption of Parliament. On their return they published a most doleful article. They had a meeting, and came to resolutions protesting against cruelty, injustice, impolicy, and I know not what, but the shares of the Great Western are *5l.* higher now than they were then. Perhaps you will say the Great Western was an old railway, and the only objection is, that it will stop all new railways, but it has not had that effect. The Report of the Committee containing the Ministerial scheme was published on the 3rd of April, and since that time a multitude of new Railway Companies have been formed, as well as I can make out not less than fifteen new Railway Companies have been established, involving an expenditure of about 20,000,000*l.*, since the Committee appointed by the House of Commons, on the recommendation of the Government, advised that the power of revision and the option of purchase should take place. Is it not a farce, then, to talk of the Bill being an attack upon railways? In the money article of the *Times* this morning, it is stated that on Saturday there was a very healthy and buoyant share market; but at the tail of the paragraph it was stated that the measure was exceedingly dangerous to railway property. So that while these representatives of railways, as we are invited to believe—these ill-judging friends of railways, in my opinion—state that the proceedings of the Government tend to weaken the faith and the security of capitalists in these undertakings, and to induce them to embark their property in foreign speculations, the capitalist is of a different mind—he is busied in buying up railway shares, and the railway market is rising. The Railway Committee had every claim to a favourable reception on the part of Railway Companies, and I am surprised at the reception which has been given to their recommendations. Even the Railway Companies on the one hand, or the Government and the Committee on the other, have committed a gross error in the course they have taken. Which of the two parties may be in error time will show. The responsibility of the consequences is with those who are in the wrong. We come forward openly. We do not attempt to win your favour by joining in the popular clamour against railway management. We do not resort to language calculated to attract public favour—to language of a delusive description. We do not hold out wonderful and magic results. We are content, on the contrary, in the main, with making a mere provision for the limitation in future; the whole effect of which provision is, that instead of Parliament having its hands tied and fettered as they are now, they shall be free to deal with these matters for the public good; and we have done that under such provisions as ought to disarm all opposition on the part of the shareholders, and put down anything like alarm. But what have they done? They have come forward and joined in the opposition even to any discussion. They have endeavoured to stifle discussion, and my hon. Friend behind me (Mr. Colquhoun), although he very kindly and fairly advised the House to go to a second reading, yet ascribed such monstrous features to the Bill that if his observations have foundation, it must be quite unworthy the consideration of Parliament. The Committee have done nothing calculated to discourage railway speculation, and especially have they done nothing to shake the property of the old railways. I say they have shown the greatest care for the property of the old railways. They have wisely recognised the principle that the only way of encouraging people to undertake new enterprises is to respect the rights of those who have already embarked their property therein. They have not gone into the general doctrine of encouraging indiscriminate competition. They wish each case to be considered on its own merits, for the benefit of the public; and believing the propositions of the Committee to be thus moderate, I have become more convinced of the necessity for the Bill since the present opposition has arisen. Three weeks or a month ago I might have been tempted to think it would be inconvenient and mischievous not to postpone the Bill, and that it was not a vital question. But after what we have seen—after the dates and facts which I have given you—after the history of the opposition which I have laid before you—after the misrepresentations which have been made of the nature of the Bill, I trust no one will be deluded into a postponement of the Bill. I know the House of Commons better than to believe that will be the case. If there be a majority who deem the Bill to be a bad one, let them reject it, but do not let them be deluded by that most miserable and shallow profession, that before next Session we shall have time to get the Report by heart, and be in a better situation to inquire, not into a measure of complex detail, but whether you shall reserve a power and discretion in the case of future railways. That is what you are invited to do. I have been taunted to-night with having said that I thought the consent of Railway Companies an essential condition to a satisfactory arrangement. I believe I have gone nearly that length. But I have the strongest impression that if the relations of Parliament and Railway Companies are to be satisfactorily carried out, they must be founded upon the discretion and moderation of both parties. I shrunk from a contest with Railway Companies. I would have foregone any measure founded upon popularity, if the justice and necessity and policy of it had been capable of a doubt. I knew the power of Railway Companies in the House, and was satisfied, with justice on their side, they would be perfectly resistless; but being persuaded that justice is not with them, but against them—being persuaded that they have misjudged the interests of those on whose behalf they are appointed to act—being persuaded that the clamour which has been got up within the last three months against the plan which three months ago was published, and which of everybody approved is misplaced—being satisfied that it is requisite we should reserve the power which it is now proposed to reserve, I do not shrink from the contest. I contend that this measure, so far from being a measure of violence, of an extreme or doubtful character, is a measure of the utmost importance, and that the option of revision and purchase is characterised by the utmost temperance and moderation; and feeling that we have right and justice on our side, I say that although the Railway Companies are powerful, I do not think they have mounted so high, or that Parliament has yet sunk so low, as that at their bidding you shall refuse your sanction to this Bill. The right hon. Gentleman concluded, amidst loud cheering, by moving that the Bill be now read a second time.

Mr. *Entwistle* was aware of the disadvantage under which he must labour in following the able and excellent speech which had been just delivered by the right hon. Gentleman the President of the Board of Trade, and he should, therefore, throw himself on the indulgence of the House whilst he attempted, not to answer the speech of the right hon. Gentleman, but to state the reasons which had induced him to take the liberty of urging the matter on his consideration. Having been requested by a number of Gentlemen to explain the ground on which their opposition to the measure was founded, he would endeavour so to do, first, however, stating his own views upon the subject. It had been stated on a former occasion that this measure should not be forced on the attention of Parliament, but that some period should be allowed to the Railway Directors to turn their attention to the subject. That was considered very fair, and he did not think they were claiming too much when they attempted to force that on the Board of Trade. The right hon. Gentleman complained of some misrepresentations which had taken place on the subject. Surely that alone was a proof to some extent that the merits of the question were neither understood by Railway Companies nor the country. If they were unable to appreciate the merits of the Bill, because they were unable rightly to understand its provisions, it was quite impossible for them to anticipate the effect it might have upon their property, and they ought to have further time to consider it. The right hon. Gentleman had laid great stress upon the third Report. All he (Mr. Entwistle) could say with reference to that Report was, that it did not excite the apprehension of the Railway Directors to the extent it would have done under other circumstances, and for this very good reason. He was one of a deputation, before he had the honour of a seat in the House, which waited on the Government prior to the formation of the Select Committee, to express their views, and afford such information as might enable them to frame a measure calculated to meet the approbation of the Railway Companies. On that occasion one phrase was used, on which great stress was laid, and it was considered of peculiar significance by all the Gentlemen who attended—it was a declaration on the part of the right hon. Gentleman, that whatever interference was contemplated by the Government with respect to the existing railways, it would be placed on a fair principle. With a firm reliance on his intention to carry out that determination whenever the Bill should make its appearance, they did not suppose any measure like the present would be founded upon the third Report. Before entering upon the details on which that Report was founded, he would address himself to the principal part of the Bill—the right of purchase, which the right hon. Gentleman claimed on the part of the Government at a future time, with respect to all Railway Companies which should take their date from this Session of Parliament. He would at once declare that he did not defend the rights of any future Company, or of any Companies formed during the present Session, because the House had a right to impose whatever conditions it thought proper on their formation; and if the parties did not like those conditions, they might refuse to form themselves into a company. It was said, with regard to the revision and the right of purchase, that this Bill dealt only with future Companies. But what he complained of was, that the power of interference with the existing railways was one which would be as complete over the existing railways as over future railways. Did they protest against any negotiation on the part of the Government with respect to Companies to be formed? By no means. The principle which they protested against was this—that after many years had elapsed from the original formation of Railway Companies, and a great mass of property had been embarked in these speculations, the Government should obtain a power which might make them competitors with the existing Companies. He trusted he should be able to show that the Bill would give them such power. The right hon. Gentleman said it was a mistake on the part of the House to consider that the Government was, by this Bill, assuming any power over future railways. He naturally thought that the right hon. Gentleman had mistaken future for existing railways. [Mr. *Gladstone* made an observation to the hon. Gentleman, which was not heard in the gallery.] He understood, then, that it was not the power, but merely the option to Parliament to exercise that power, which was meant, but in either case the power was complete as against railways. The right hon. Gentleman stated that the circumstances of the country were such that there would be a net-work of railways in every direction. It was perfectly evident, then, that a great number of railways had yet to be made, and that they would be subject to the provisions of this Bill, and that a power would be given to the Government to enter the field, and to purchase such lines as appeared most desirable. Was it not equally evident that a number of the existing railways, which at present did not pay any large rate of dividend, would consent to come under the provisions of the Bill, in the hope that they might become part of a system, which might be worked with greater advantage by the Government than by private companies. The consequence would be the exclusion from the system of those lines which now remunerated capitalists; and he begged to remind the right hon. Gentleman that he could not deal with railroads separately. He hoped the House would recollect that those railroads which had been most successful might after all be the only means which the capitalist had of remunerating himself for money lost on other speculations of the kind. It was of this power of the Government to single out particular railways that he complained, a power which would enable them to form such a system as would exclude the great line companies. Such a result would inevitably ensue if the plan of the Government were adopted, and if a great reduction of the fares were to take place. The Government could not undertake to lower the tolls without entering into a contest with private capitalists, a contest in which if they should prove victorious, their antagonists would be completely crushed; while if the Government should be beaten, they would be forced to fall back upon the public resources of the country for support. They had heard it stated with regard to certain Belgian lines which had not paid 2½ per cent., although the money spent in their construction had been borrowed at 4½ per cent., and they had consequently been forced to fall back on the taxation of the Company. Such, he feared, might be the case in this country, and it was in consequence of this that he made the representation which he had to the right hon. Baronet at the head of the Government. Notwithstanding what had been said as to the extensive and dangerous power possessed by Railway Companies, he must say that he believed it to be necessary for the efficient management of a railway that the power should be extensive. It might be that such a power ought not to be entrusted to any hands except those of Government or a responsible Company, but he would maintain that any Bill upon the principle contained in the present ought to apply equally to bad as to good railways. He would not oppose a measure which, while establishing a general control, would leave each Railroad Company at liberty to exercise its own internal energy. He believed that such a control, among other effects, would relieve the capitalists from that clamour which was now directed against them. But although he would not object to such a control being granted to Government, he must protest against their being allowed to enter into competition with private companies. The right hon. Gentleman the President of the Board of Trade asked what right they had to suppose that Government would interfere in a manner to ruin private capitalists. He would beg to recall the right hon. Gentleman's reccollection to what occurred at the first interview which the deputation from the different Railway Companies had with him in the beginning of February last, and to the principles then laid down with regard to the concessions to be made on the part of the old Railway Companies and to the concessions to be made by Government. Notwithstanding what then took place, there were contained in this Bill provisions not only with reference to future, but also with regard to existing railways. He alluded most particularly to the provisions regarding the cheap train, which was to be placed entirely under the management of the Board of Trade, with respect to the time of starting and other arrangements. Had any hon. Gentlemen considered what the result would be of placing the cheap train under the control of the Government? When railroads were first established, power was granted them to impose certain fares, but they were not compelled to carry even second-class passengers. Men had risked their capital in these undertakings—in many cases they had been successful, but in none of them were they compelled to carry even second-class passengers, and it was thought a great evasion of the principles upon which railroads were first established when the practice of carrying third-class passengers was adopted. Many of the companies had not as yet adopted a third-class train; but he thought they might do so in many cases with advantage to themselves and with benefit to the public. At present, third-class passengers were carried at the rate of 1⅛*d.* or 1¼*d* per mile, the Government tax being 1*d.* per head. It was now proposed that third-class passengers should be carried in a particular train to be subjected to the control of Government, and in a superior description of carriages, at the rate of 1*d.* a mile. To many companies this proposition would cause a serious diminution in the number of second-class passengers, because their third-class carriages would be second-class carriages with third-class prices. The rate of travelling would be at the rate of only twelve miles an hour, but as the time of the poor man was not of much importance—[*Ironical cheers.*]—If hon. Members had allowed him to finish his sentence, they would not have seen any cause to cheer. He was about to say, that the time of the poor man was but of small importance to him compared with the money which he would save by travelling in a train which was a little longer on the road. He was sorry that any hon. Member had thought it worth while to interrupt him, but he hoped they were now satisfied. It was quite obvious that many of those who now travel in the second class would go in the third; and, looking to the difference between 3*d.* and 1*d.* a mile, he thought many even of those who now travelled by the first would in future go by the third class. Now, he would like to know what equivalent Government proposed for this alteration? The expected equivalent had entirely disappeared, and all that Government proposed to do was to take off one half of the tax of one-fourth to a penny per mile. He was inclined of think that it was generally understood by the Railway Companies that the principle of the third Report was to be applied to all railways in existence, and he thought that he was confirmed in this opinion by what had occurred with regard to the Joint-Stock Companies Regulation Bill, because a clause in that Bill proposed to vest in the Board of Trade an absolute power to prevent the formation of any new company until it had conformed to the provisions of that measure. Supposing that the Dover and the Brighton Railway Companies wished to construct a new branch, and that the one consented to come under the provisions of the Bill, while the other refused, was it not quite competent for the Board of Trade to step in and refuse the Company rejecting the provisions of the Bill the necessary power to make a new line, and thereby giving the power to their opponents? Before any existing company could construct a new line, they would be obliged to come under the provisions of this Bill, and there was, therefore, no existing railroad which might not be affected by it. He wished to say a few words with reference to the clamour raised out of doors against railways, for he could not help thinking that that clamour arose in a great degree from this measure of the Government. He believed that the outcry had been also raised by many hon. Gentlemen who pressed the Government to interfere, in the hope that they would interfere, in the hope that they would be able to travel more rapidly, and at a cheaper rate than now. Many hon. Gentlemen laid great stress on the necessity of accommodating the poorer classes, but many of them were no doubt desirous of travelling by the cheap train proposed to be established. It was by no means improbable that those who clamoured so for the poor might avail themselves of that train. He had seen many respectable and well-dressed passengers in the third-class carriages without that accommodation which it was now proposed they should have. Hon. Gentlemen ought to recollect that the expenditure of capitalists on railroads had been often double, sometimes treble the amount originally contemplated, and it was only in consequence of the traffic having also exceeded the original estimate that the speculation had been at all profitable. It surely never would be contended that because a Railway Company paid more than a certain rate per cent., that that was a proof that it did not afford proper accommodation to passengers. But suppose the contemplated reductions were made, there might nevertheless be a considerable increase in the gross receipts of a Railway Company; and if there was any truth in the allegation, that the realization of a certain per-centage was a proof that there was not sufficient accommodation for passengers, they would in such a case be bound to go back to the old rate of charges. He protested against such a power being given to the Government as would enable them, through the medium of a future grant from Parliament, to enter the field against private capitalists. He believed that Railway Companies would have no objection to see such a control vested in the state as would secure the public against any abuse of the extensive powers which those Companies possessed. But that to which they objected was, the daily interference with the management of that property for which they had paid very dearly, which would be sanctioned by many provisions of the Bill. The Government ought to allow time to the railway public to make known their sentiments upon the subject, and they ought to satisfy themselves that the measure would not inflict a great injury upon an important interest, before they refused to postpone its further consideration. In his opinion, the Bill was fraught with great danger, and injury to railway property; and he should therefore conclude by moving that it be read a second time on that day six months.

Colonel *Sibthorp* said, that he was prepared to support the Bill, although it was well known in that House that he did not always approve of the measures propounded by the Government. He felt it to be his duty, as an humble, but independent Member of that House, to give to the Ministry of the present day his general support. He had not, however, felt altogether partial to the measures of the right hon. Gentleman, the President of the Board of Trade, and it was well known that he had formerly designated the President of that Board of Trade as the President of a Board of Free Trade. But he should tender his most hearty thanks to the right hon. Gentleman for his introduction of the Bill then before the House. The only fault which he found with the measure was, that it did not apply to existing railways as well as to future railways. He was an advocate for fair play to all. The Railway Companies might, no doubt, say, that they were at all times anxious to consult the public interest; but it was his belief that they were more anxious to put 10 or 15 per cent. in their own pockets. He never travelled by railroad, he hated the very name of a railroad—he hated it as he hated the devil. There was at present a railway in contemplation between the City of London and the city which he had the honour to represent; and if he thought that such a Railway would benefit that City, or the county with which he was connected, or the line of country through which it was to pass, there was no Member of that House who would be more ready to contribute to aid in the undertaking by his labour or by his money. He had a brother who had embarked in the speculation, but who had withdrawn his name from it within the last few days—second thoughts were always best. For his part, he believed—although he might differ upon that point from some excellent friends, of his—that the undertaking would not be for the benefit of the city or of the county with which he was connected; and he would never be ashamed to stand up in that House as an honest man, and state the opinions which he entertained. It was his belief, that railroads were dangerous and delusive speculations. Such schemes were dangerous, delusive, unsatisfactory, and above all, unknown to the constitution of this country. They interfered with the rights of the poor, and attacked private property. He had opposed these railroads upon principle, and upon principle only. He knew that the Bill before the House was unsavoury to the owners and speculators in shares. But why was it so? It was because it would show them up to the public, and would correct them in their evil habits. He called upon them to pass the Bill, and not to postpone it. Delays were dangerous. He was convinced that if the public knew everything connected with railway schemes—movers, speculators, engineers, and solicitors—they would unanimously inveigh against them. After these few humble observations, he should conclude by expressing his cordial support of the Bill of the right hon. Gentleman, the President of the Board of Trade.

Mr. *Labouchere* was happy to be able to inform the House that he should, on that occasion, detain them but a very short time. Indeed, he felt that the reasons which had induced the Committee which had sat upon that subject to recommend such a measure as that before the House had been so fully and so ably stated by the right hon. Gentleman the President of the Board of Trade, and had been so well expressed in the Report of the Committee itself, that under ordinary circumstances he should have contented himself with giving a silent vote in support of the Bill. He was, however, induced to offer a few observations to the House, in consequence of those indications which had lately appeared in the House as well as out of it, of a formidable opposition to a principle which he should have thought so fair and moderate that it would meet with general acquiescence. Now, if he supported that Bill, he should say that he did so with very different views and feelings with regard to the railway interest from those expressed by the hon. and gallant Member who had just sat down. He was persuaded that those Gentlemen who had done him the honour of attending to anything he had said while he had held an official station, or since that period, would acquit him of having ever joined in what he had always thought a cry equally unwise and unworthy against our great railway interest. Although he was wholly unconnected with that interest by any personal considerations, yet as an Englishman and as a Member of that House, he felt obliged to those who had taken on themselves the management of our great Railway Companies, for the admirable manner in which, for the most part, the business of those Companies had been conducted. The Directors of those Companies were among the most respectable and intelligent mercantile men in this country; and he believed that the manner in which those great national works had been conducted reflected honour not only on the Companies, but on the country itself. He therefore trusted that he approached the question rather with feelings for, than prejudice against the railway interest. It was impossible however to conceal the fact, that the anomalous and dangerous position in which the Legislature and the people of this country were placed in reference to railways had become more apparent in each succeeding year. It was in vain to think of applying the common principle of competition to them. It was quite true that when Parliament first legislated in reference to railways, it was expected that they would be like the other means of communication in the country; but anybody who had paid the slightest attention to the case must be aware that this expectation had been entirely frustrated, inasmuch as the railways had virtually and necessarily obtained the monopoly of transit. This they had not certainly by law, but in point of fact they had succeeded in establishing a complete monopoly of the traffic of the country. Now he apprehended there was no man who would not pronounce this a state of things which it became the Legislature to watch with great jealousy. In fact, if he entertained any doubts as to the principle involved in the Bill, it was as to whether it ought not to have been introduced sooner. Suppose they could put themselves in the situation in which they were when these Companies were first established, would any one pretend to say that this complete monopoly of traffic would be granted in the unqualified way in which it at present subsisted? He apprehended no one would venture to mention such an argument; no one would contend that the House would not, under such circumstances, be justified in checking such undoubted evils as at present existed, and preventing those greater mischiefs in prospective, if they could do so with justice. The right hon. President of the Board of Trade had truly stated that the only point to be decided in voting for the second reading was, whether or no they should place the Legislature in that unfettered position with regard to Companies still in their power, which had applied for Bills during the present Session, or might apply in future Sessions, in which they would desire to be if they could retrace their steps. There were many very important details in the Bill requiring consideration, but to these he would not now advert, deeming the Committee on the Bill a more fitting opportunity to discuss them. It was undoubtedly of great importance, whilst endeavouring to retain this power for the future of reviewing the railway system, not unduly to discourage railway speculation. He should seriously regret being a party to any measure which would have the effect of discouraging the extension of the railway system; but he contended that no such consequences were to be apprehended from this Bill, in which great care was taken in restricting the power conferred by proper guards and limitations. What was the fact? The Legislature would have no power to purchase railways or to revise their tolls unless for three years, he believed, their visible profits had amounted to 10 per cent. ["No, no."] He spoke of the power to revise. It had been said, and with truth, that the people of this country were inclined to view with jealousy their Government undertaking the management of railways. He was fully aware of the weight of that objection. It was, no doubt, very difficult to say, what course might be advisable fifteen years hence, nor did he think it advisable to enter upon the speculation; but he was perfectly ready to admit that it required a strong case to justify the Legislature and the Government in undertaking the purchase and practical management of railways. The whole question was beset with difficulties, and unless they were prepared to stand by with folded arms to see the present state of things become more and more difficult, he asked hon. Members who objected to the Bill, whether they could suggest any other plan less liable to objection? He freely owned that, as far as he could foresee, he regarded this scheme as chiefly valuable on account of the power which it conferred to prevent particular railways from making very great profits by keeping up very high fares, a state of things which their experience might teach them was by no means unlikely to occur. In his opinion the power of revision was more likely to come into operation than that of purchase, although he thought it decidedly necessary to maintain the power of purchase, and for this reason; with the power of revision alone, it would be in the power of Railway Companies, as it would be their interest, to keep down the average of profits during the three years specified by Parliament. The alternative of purchase, however, cut the other way; for Government would be enabled, in the event of their returning small profits, to purchase the railway at a low rate. He was fully aware of the objections against Government undertaking speculations of this kind; but he thought that the evils apprehended from patronage might be done away with by Government leasing the railroads to private persons. Some hon. Gentlemen seemed to apprehend danger from these powers of the Government and the Legislature being exercised unfairly and tyrannically against railway proprietors. All he could say, was, that his own experience had led him to a totally opposite conclusion. He well knew how dangerous it was to meddle with powerful interests; how dangerous it was to meddle with the West-India interests; and how dangerous it was to meddle with the agricultural interests; but of all interests with which any Government would be least likely to deal unfairly the railway interest was the most prominent. Judging from experience, he should be more inclined to apprehend a difficulty in obtaining justice for the public from the preponderance of that interest. He would now say a few words in reference to the opinion expressed as to the propriety of postponing the consideration of the question until next Session, an opinion resting mainly on the volume which was now in the hands of hon. Members. It was, undoubtedly, a very bulky book, and contained a great mass of evidence; but the right hon. President of the Board of Trade, had answered the argument in a very satisfactory manner. The inquiry of the Railway Committee was mainly directed to a very different proposal from that before the House—namely, to a sort of bargain between Parliament and the Railway Companies, to make concessions on receiving equivalents. The question before the House at the present moment rested on the general principles and details with which every one who had paid the slightest attention to railway matters must be perfectly conversant. He should despair of the House being in a condition to take a clearer view of the question next Session; and he would, therefore, give his most cordial assent to the Bill.

Viscount *Sandon* had come down to the House strongly disposed to coincide with the views of those who urged the postponement of the Bill. He certainly had been influenced in this feeling not a little by the short time which had elapsed since the Report had been in the hands of hon. Members, as well as by the provisions of the seventh Clause, which did certainly convey the same impression to his mind as it had to the minds of many others; and he could not help thinking those hon. Members deserving of a little more respect than had been shown them by the right hon. President of the Board of Trade, who, although he was perfectly able at any time to dispose of any argument in five minutes, had found it necessary to devote two hours to this, and ought, therefore, to have found some excuse for those who from simply reading the Bill had arrived at a different conclusion from the right hon. Gentleman. He knew it was asserted that the Bill only reserved a power to Parliament to take these speculations into their hands if they should at any time think fit. It was, in fact, merely entering an effectual caveat on the part of the Government to the parties about to construct railways. Without expressing any opinion as to the expediency of such a policy as taking railways under their control, he must say, that it was quite unexampled that a Government should propose a whole machinery of eighteen Clauses to carry out a plan on the principles of which the opinion of Parliament, it appeared, was not really asked. What it seemed the right hon. Gentlemen did intend, was, that nothing in any Bill, for authorizing the construction of any railroad should prevent Parliament from hereafter making arrangements, if they thought fit, for the management being taken into their own hands—no opinion being expressed on the policy of such a course; the right hon. Gentleman adding, that if he had merely reserved the power, the uncertainty would have been worse than the actual realization, as, no doubt, might be the case. Still, the reflection occurred that, if this were all that was meant, it was difficult to see what these eighteen Clauses were for. At the same time he felt the difficulty of dealing with the question in any other way than in reading the Bill a second time, understanding that thereby the question was to be considered as wholly untouched whether Parliament should take these concerns into their own hands; at present he thought they ought not. At this time, however, when we were constructing a great many railways, it was important that the power should be reserved; and, in the moral impression as to the absence of any intention on the part of Parliament to purchase was the main thing, probably the declaration of the President of the Board of Trade, and the Report of the Committee, both disavowing that intention, would be sufficient to prevent its being supposed to exist.

Mr. *M. Philips* could not join the noble Viscount who had just sat down in supporting the second reading. He also was one of those who had put the construction on the 7th Clause, with respect to the proposed interference of Parliament, which had been adopted by so many out of doors. He did not see the propriety of anticipating what might be the course to be adopted by Parliament hereafter; and nothing could induce him to support a measure containing a Clause which created a power placing Parliament in a position to assume these railroads as public property. He could conceive no greater interference with commercial regulations which it had been the boast of this country. to avoid. He could conceive no more fruitful source of jobbing, nor anything more opposite to the spirit and principle by which commercial principle had hitherto been regulated in this country. He regretted that his sense of duty compelled him to oppose this Bill, which contained Clauses which he should be most happy to support; one in particular, a most valuable Clause, which he had taken the liberty of suggesting early in the Session. He must assert his independence of all undue influence on this question. He had received not one single deputation on the subject, nor did he possess any railway property, save of such small amount as he hoped would never serve to bias any vote which he might have to give in that House. He had always made it a rule never to become a shareholder in any railway respecting which he might have to give a vote. What might be the operation of the 7th Clause? The Government of the day might consider it a matter of great importance that a certain railway should become public property, and accordingly ask for the necessary purchase money in the Estimates. The House might refuse its acquiescence, perhaps justly, and the Government might resolve to view their refusal in the light of a vote of want of confidence. The Government had already sufficient power of interference in the Post Office arrangements, and from the disgraceful state in which these were suffered to remain in his district he should feel but little disposed to extend their power. Under these circumstances he felt it his duty to oppose the Bill; for he would no more sanction such interference in these undertakings than he would in the case of any other large mercantile speculation in the country. There was plenty of capital, enterprise, skill, and experience to ensure efficient provision for the public wants.

Mr. *Parker* objected to the rapidity with which this Bill was hurried forward. The right hon. Gentleman opposite (Mr. Gladstone) had argued, in point of fact, that no transactions or purchases in railways could in future take place without the consent of Government; but he contended that practically a bargain might be made before the Chancellor of the Exchequer came into the House, there would then be a Treasury whip, and the money would be voted. The right hon. Gentleman had described the Belgian railroads as much better, so far as fares were concerned, than those of this country. Every person, of course, knew that the fares by the railroads in Belgium were very low, for this simple reason, that the Belgian public paid for the roads. The state of things here were however very dissimilar, as they had no occasion to look to the public Exchequer for funds to carry on these great undertakings; there were always plenty of great capitalists ready to come forward with their money. The effect of this Bill would be this—if Railway Companies did not lower their fares, and do as the Government chose, the Government would buy their roads. With respect to the Clause which gave the Government the power of revision, he did not see why they should seek to revise railways in particular. Why should they not, upon the same principle, revise canals and other similar undertakings? He considered that there were great difficulties in this matter, which required serious and mature consideration. The application for postponement he did not, therefore, think at all unreasonable, as the pressing forward such a Bill as this might appear to some to look like a stifling of discussion. He should certainly vote for the Amendment.

Mr. *Sheil* asked the right hon. Gentleman the President of the Board of Trade whether it was intended that the Cashel Railway was to be included in this Bill, as it had already been passed through the House? [Mr. *Gladstone*: Yes.] The shareholders of the Cashel Railway had had no notice of the Bill—their money was invested without any cognisance of the intention of the Board of Trade, without any cognizance of the intentions of the Legislature. Money had been invested in Ireland in railways without notice that this Bill was to be carried. One of his reasons for objecting to this Bill was, that you would check the spirit of enterprise—the spirit of legitimate speculation—one of the great sources of advantage in this great mercantile and industrial country, and which it was of the utmost importance you should extend to Ireland. He had not the slightest doubt that, if the Bill should pass, you would put a check on railway speculation in Ireland. And see what anomalies you would produce. Every railway in Ireland, except the Dublin Railway, which was only five miles in length, would fall within the operation of this Bill. In this country you had got 2,000 miles of railway that would not fall within the operation of the Bill—2,000 miles of railway falling within the Bill, and the whole of the sister island falling within the Bill! Did it apply to any existing railway? No, it did not. If it did not, you would have the country covered with anomalies. It was a monstrous anomaly—there was to be a vast line of railway passing from the metropolis to Liverpool and Carlisle, which should not fall within the Board of Trade, and that every new railway was to fall under the masterdom with which the Board of Trade was to be invested. The main reason after all was this—you increased the power of the Government—you increased the patronage of the Government; that could not be questioned. You would say that patronage would be well applied. The evils of monopoly were great. There were difficulties in obtaining redress for evils from Companies. Were there no difficulties in obtaining redress from departments of the Government? He had no objection to this Bill as far as the powers of supervision and superintendence were conferred on the Government; he had an objection to an inquisitorial power into the amount of the fiscal resources of every railway. He had no objection to your power of limiting the rate, and above all, of providing for the comfort of the lower orders, which was now neglected; but all these things, wise and munificent in themselves, were compatible with a measure utterly distinct from the present. Why was it you wished to establish a principle founded upon Continental practice and Continental acts? Why did you want to introduce what you must admit was an innovation, and unsustained by precedent or example of any kind? Where was there any example in the whole of the mercantile institutions of this country corresponding in the slightest degree, bearing the slightest similitude, touching in any one point of analogy the Bill introduced by the President of the Board of Trade? He was afraid of augmenting patronage. The Board of Trade was very near the Treasury. The hon. Member for Cavan might convey a significant whisper to the right hon. Baronet. But this matter ought not to be treated with levity. It was obvious the patronage of the Crown would be increased, and that he thought a substantial reason for opposing the second reading.

Mr. *Cardwell* was desirous of stating to the House some of the reasons which influenced him in supporting the Bill and would do so as shortly and plainly as he could. The right hon. Gentleman opposite (Mr. Sheil) had asked a single question, and he would give him two answers, either of which would be perfectly satisfactory. The right hon. Gentleman had asked, with a view of founding upon it an argument against the Bill, whether it would apply to the Dublin and Cashel

Railway. He did not know whether the right hon. Gentleman was interested in that railway. He (Mr. Cardwell) was, and he had felt great pleasure, upon public grounds, in putting his hand to a deed which he considered to be a great first step towards the internal and social improvement of Ireland. But the promoters of the Cashel Railway had not yet succeeded in getting that measure through Parliament and if they did not like the terms imposed by Parliament, it was open to them at any moment to retire. They were, therefore, the last people in the world who could reasonably complain of the provisions of this Bill. But he had another and an equally conclusive answer. The right hon. Gentleman, who had no interest in that measure, and he supposed had not looked very closely into its prospects, had said the promoters might be disappointed by this Bill in their anticipations of a profit of 15 or 20 per cent. If the right hon. Gentleman had looked at their advertisement in the newspapers he would have seen that the inducement offered to the public was a prospect of 9 per cent. So that while the right hon. Gentleman was complaining of a limitation of 10 per cent. as a clog and check upon enterprise, the adventurers themselves were holding out the possibility of only 9 per cent. as a temptation to the world to speculate. He could not help observing that the opposition to this measure had been very much diminished when they came fairly to grapple with its principles; the phalanx was stronger in numbers in the early part of the evening than it had shown itself at a later period in reason and in argument. The right hon. Gentleman the President of the Board of Trade had expressed his doubts whether Railway Companies had souls; and a great master of language had once said, "public companies have no bodies to be kicked in this world," and had gone on to intimate that they had no souls to be subject in the next to a process which it might not, perhaps, be perfectly Parliamentary to mention. But without referring to this extreme penalty he might be permitted to adopt the language of a great lawyer, who in writing a Digest of the Law and in distinguishing of a Corporation, what might, and what might not be done, had said, "Nor can it be excommunicated, for it has no conscience." But, notwithstanding these high authorities, he begged to assure the right hon, Gentleman that Railway Company after all had souls, and that precisely the soul which lay buried in the tomb of Pedro Garcia was the soul which every Railway Company possessed. Now, he referred to these matters not merely by way of passing amusement, but as an individual interested in these great undertakings, he believed them to be important on public grounds, and he felt assured that if they sustained any detriment from this Bill or from these discussions, it would be occasioned by their presenting themselves to the public in the selfish attitude of rash and indiscriminate opposition. The hon. Member for Manchester objected to the introduction of a new principle; and wished that what was done with other interests of British enterprise should be done with railways, that they should be left to their own strength and to their own resources, without protection and without control. Now all this sounded extremely well; they left trade to its own resources, and they did so wisely, but why? Because they had in the natural proportions of supply and demand, a better security than any they could devise by legislation against practical mischiefs. If all the shoemakers in London should combine it would be open to any trader from Northampton to enter the field, by offering the public fairer terms, he would secure their favour to himself, and the power of the combination would be broken. And if the combination embraced him, the same course was open to another, and so *toties quoties.* Under circumstances like these combination was impossible, and trade, like water, being unlimited, would always find its own level. Competition then was the *ultima ratio* to which, in dealing with questions of trade, the appeal was always made. But were these the circumstances of railways? Did the *ultima ratio* of competition apply to them? No sooner was a new railway made, competing with an old one, than the two lines combined. If he were justified in trespassing on the attention of the House, he could adduce many remarkable and even ludicrous instances of combination between rival railways. If that was so, was it possible to break down the combination by the successive formation of new lines? And if that were impossible, was the public to have no protection? He stood, in that House, to the extent to which he was interested in railways, by nature and by necessity a monopolist; and he was deeply impressed with the conviction that the public of this country would watch with vigilance and jealousy everything that savoured of monopoly. The danger in these days was, lest these feelings on the part of the public should be excited to an undue extent; lest in the general dislike of monopolies the claims which a particular interest might prefer upon public grounds should not be regarded with due indulgence. If the railways were rash enough to plunge into a conflict with the British public, they might succeed at first; they would organize a strong opposition like that which had exhibited itself to-night; but in the long run the the public would assuredly prevail; and as the Companies began by asking more than justice, they would end by getting less. But let the House observe what had been already done. What was their protection now? No man thought of making a law to regulate the price of shoes. But they did regulate by law the price of railway fares. No Railway Bill had passed the House without containing the limit of 3*d*. per mile as the maximum of charge. They had admitted the principle, and now when it was endeavoured to adapt its application to the ever varying circumstances of the case, they turned round and assailed the principle. All railways were made, if they ought to be made at all, and one important object of this Bill was to discourage speculative schemes, in the expectation that they would pay upon the existing traffic, Now it was well known that traffic very greatly increased with lapse of time, while the expenses of working the line did not increase. There would be, therefore, if the original tariff were maintained, an increasing and very soon a disproportionate profit. And here the public claimed, and rightly claimed, to share. The public was not disposed to deal hardly with the Railway Companies. They remembered the time when the late Mr. Harrison was proving to a Committee of that House that locomotive engines could not possibly be made to travel more than four miles in the hour against a high wind or a heavy storm of rain. The public knew the risks that had been run, and appreciated the exertions that had been made. They were willing to deal generously with the Companies, who ought to be satisfied and thankful to close with liberal terms when liberal terms were offered. Nearly all the opposition came from the old railways to which the Bill did not apply; and the reasons they gave was, that if it passed they would be obliged to come in to its arrangements. And why? Because if it worked well they would find it to their interest to come in. All that the Government asked by this Bill was a reasonable concession to a part of our fellow subjects, for whose comfort and well-being the House was bound to feel the utmost consideration and regard. The Bill gave to the railways in return a substantial and a great advantage. The tendency of the Bill was to give to railway property far greater stability in the market, because it would discourage his over speculation in competing lines. Let any one look back upon the last six months. At any time during that period it wanted only a scheming engineer, a speculating attorney, and a map of England, to get up a competing railway. The new line was advertized, and the original property to the amount, perhaps, of six or seven millions, was immediately depreciated in the market. The Bill would prevent gambling and put down reckless speculation, and the right hon. Gentleman who brought it forward would hereafter reflect with satisfaction that he had taken timely measures for combining the successful employment of private capital in domestic enterprise with salutary provision for the Government and the Legislature and for that interest which the Government and the Legislature represented in this matter, the welfare of the community at large.

Mr. *F. T. Baring* said, after the language used by right hon. Gentlemen on the other side relative to the postponement of the Bill till another Session, he felt bound to say that he had no connection with any railway, and he had not been canvassed by any one, therefore, the opinion he had formed was from the Bill itself. Although it had been called a shallow and miserable proposition, still he was of opinion that a measure of so much importance ought not to have been brought in so late, and ought not so to be pressed in the present Session, and might very fairly be postponed. It was a Bill of the utmost importance—it would regulate railway matters for years, and time had not been given for a full consideration of the immense mass of evidence which the Committee had reported. The right hon. Gentleman had said the Bill was founded upon the third Report of the Railway Committee which had been in the hands of Members for three months. Now, if that were so, why was not the Bill introduced before? if that were so, it was not fair to complain of those who found fault with the measure being pressed so late in the Session. In former times if he had brought in anything, even a proposition in a Customs Bill to alter the regulations respecting muscles about the middle of July, he should have been met with the strongest protest, and have met with the strongest complaints for having delayed so important a proposition to so late a period of the Session. But what was the principle of the Bill—it looked forward to the regulation of railways for fifteen years, or the purchase of them when they paid 10 per cent. Now these were called the principles of common sense, but he was not prepared to agree in them without having an opportunity of considering the evidence. He would have preferred leaving all railways to be worked by the respective companies under the control of the Government, but he strongly objected to making the Government monopolist railway proprietors. He acknowledged the power of the Legislature over all railways, both old and new, but their legislation respecting them ought to be confined to what was necessary for the public wants; he could not understand legislating for futurity, nor did he like to agree to an Act of Parliament to come into operation in fifteen years. How did they propose to carry their scheme into operation? The right hon. Gentleman said, it was an experiment for the purpose of reducing railway rates, but in order to carry it out, they must become the proprietors of a whole nest of railways. Should they buy up ten railways, and in any one of those districts there should happen to be an old railway, they would have no power of interfering with it, and it would prevent them from carrying out their experiment. The right hon. Gentleman alluded to the expense of travelling by railway, but there was nothing in this Bill to remedy it. All the great practical grievances of railways were left untouched by this Bill. He did not see anything in the Bill which now or hereafter could do any practical good. He admitted that there were many grievances connected with railways, but they should show that the remedy they proposed would cure the evil; and he had heard nothing from Gentlemen on the other side, except simple assertion, that there was anything in this Bill which would remedy the grievances under which the people were suffering, or supposed they were suffering. He therefore wished that it should be postponed, and thought that at this late period of the Session it ought not to have been introduced. If he should be compelled at the present moment to vote upon it, he should certainly vote against it.

Mr. *Brotherton* moved the adjournment of the debate.

The House divided:—Ayes 53; Noes 173: Majority 120.

List of the AYES.

Aglionby, H. A.
Baring, rt. hn. F. T.
Barnard, E. G.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Bouverie, hon. E. P.
Bright, J.
Clive, E. B.
Colebrooke, Sir T. E.
Divett, E.
Duncan, Visct.
Duncan, G.
Dundas, hon. J. C.
Dundas, D.
Easthope, Sir J.
Ebrington, Visct.
Ellis, W.
Esmonde, Sir T.
Evans, W.
Gibson, T. M.
Gill, T.
Hastie, A.
Hawes, B.
Hayter, W. G
Hill, Lord M.
Hindley, C.
Holland, R.
Howard, hn. C. W. G.
Mangles, R. D.
Martin, J.
Morris, D.
Muntz, G. F.
Ogle, S. C. H.
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Ponsonby, hn. C. F. A. C
Protheroe, E.
Pulsford, R.
Ross, D. R.
Russell, C.
Scott, R.
Seale, Sir J. H.
Sheil, rt. hon. R. L.
Smith, J. A.
Thornely, T.
Tuffnell, H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Wilshere, W.
Yorke, H. R.

TELLERS.
Gisborne, T.
Brotherton, J.

List of the NOES.

Ackers, J.
Acland, T. D.
A'Court, Capt.
Adderley, C. B.
Ainsworth, P.
Aldam, W.
Allix, J. P.
Archbold, R.
Arkwright, G.
Astell, W.
Bailey, J.,
Baillie, Col.
Bannerman, A.
Barclay, D.
Baring, hon. W. B.
Barrington, Visct.
Bellew, R. M.
Blackburne, J. I.
Boldero, H. G.
Botfield, B.
Bowes, J.
Bowles, Adm.
Broadley, H.
Browne, hon. W.
Bruce, Lord E.
Buck, L. W.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Cavendish, hn. G. H.
Chapman, B.
Chute, W. L. W.

Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Colborne, hn. W. N. R.
Cole, hon. H A.
Collett, J.
Corry, rt. hon. H.
Courtenay, Lord
Crawford, W. S.
Cripps, W.
Damer, hon. Col.
Denison, W. J.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Dowdeswell, W.
Duncombe, hon. O.
Egerton, W. T.
Eliot, Lord
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Feilden, W.
Ferguson, Col.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Forster, M.
Fox, C. R.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Godson, R.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Hayes, Sir E.
Heathcoat, J.
Henley, J. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Holmes, hn. W. A. C.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hornby, J.
Horsman, E.
Howard, hon. J. K.
Howard, hn. E. G. G.
Howard, P. H.
Ingestre, Visct.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Layard, Capt.
Lefroy, A.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lowther, hon. Col.
Lygon, hon. Gen.
M'Geachy, F. A.
M'Neill, D.
March, Earl of
Marshall, W.
Marsham, Visct.
Martin, C. W.
Masterman, J.
Mildmay, H. St. J.
Mitcalfe, H.
Mitchell, T. A.
Mordaunt, Sir J.
Morgan, O.
Morison, Gen.
Mundy, E.
Neeld, J.
Nicholl, rt. hon. J.
O'Connell, M. J.
O'Conor, Don
Packe, C. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Phillips, G. R.
Philips, M.
Powell, Col.
Power, J.
Pringle, A.
Pusey, P.
Rice, E. R.
Rolleston, Col.
Round, C. G.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sandon, Visct.
Seymour, Lord
Seymour, Sir H. B.
Shaw, rt. hon. F.
Sibthorp, Col.
Smith, rt. hon. R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, Lord
Stuart, W. V.
Stuart, H.
Strutt, E.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Thesiger, Sir F.
Thompson, Mr. Ald.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Vane, Lord H.
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Wallace, R.
Warburton, H.
Wortley, hn. J. S.
Wortley, hn. J. S.

TELLERS.

Young, J.
Baring, E.

Question again put.

Mr. *C. Hindley* contended, that it was impossible at this late period of the Session to give a Bill of such importance the consideration which it deserved.

Mr. *Bright* moved the adjournment of the debate.

Sir *R. Peel* was exceedingly sorry that hon. Gentlemen had not deferred to the sense of the very large majority who had pronounced against the adjournment of the debate. The opinion of the House as to the propriety of closing the debate to-night had been expressed by a majority of 173 to 53. He knew it was in the power of hon. Gentlemen, if they chose to exercise that power, to prevent the House coming to a decision to-night; but, he thought it was a very bad practice, and a practice that was quite indefensible upon this occasion. There appeared to be no desire whatever at an early period of the evening to continue the debate, and the House by a large majority had shown an indisposition to adjourn it. However, if a minority were determined to persevere in Motions for adjournment, he knew perfectly well what must be the result. His earnest wish was, that the House should come to a decision to-night, but he could not undertake to sit here contesting Motions for adjournment.

Debate adjourned to Thursday.

House adjourned at half-past one o'clock.

* * *

HOUSE OF LORDS,

Tuesday, July 9, 1844.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Turnpike Acts Continuance; Stock in Trade; Charitable Loan Societies (Ireland); Customs Duties (Isle of Man); Militia Ballots Suspension.

$2^{a.}$ Bank of England Charter; Prisons (Scotland); Linen, etc. Manufactures (Ireland).

$3^{a.}$ and passed:—Marriages (Ireland); District Courts and Prisons; Parishes (Scotland).

Private.—$1^{a.}$ Monkland Railways (Wishaw and Coltness Railway).

$2^{a.}$ Lord Lovat's Estate.

Reported.—Ashton, Staleybridge, and Liverpool Junction Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway (Ashton-under-Lyne and Staleybridge Branch).

$3^{a.}$ and passed: — Cheape's Divorce (India); Eastern Union Railway; York United Gas; Holmfirth and Dunford Road.

PETITIONS PRESENTED. By Lords Brougham, and Campbell, from Rochdale, and 3 other places, in favour of the Dissenters Chapels Bill. — By Bishops of London, Norwich, and Exeter, and Earls of Radnor, Fitzhardinge, Bandon, and Roden, from Ipswich, and several other places, against the Dissenters Chapels Bill.—From Aberdeen, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland. — From Abbey Strewry, and Fermoy, for the Extension of Scriptural Education in Ireland.—From Renfrew, against any Alteration in the present system of Banking in Scotland.—From Essex, respecting the Bank of England Charter Bill.—From Fishermen, and others of Inverary, against the Salmon Fisheries (Scotland) Bill.

DISSENTERS CHAPELS.] The Bishop of *Exeter* presented several Petitions against the Dissenters Chapels Bill; one from some of the Baptists of Banbury, " praying their Lordships to postpone for six months, the consideration of the Commons Amendment." Now, he should certainly rejoice if the prayer of this Petition were acceded to. But if not, and if the question came to be whether the Bill as originally passed by their Lordships or the Bill as now altered by the Commons were preferable, he should decidedly vote in favour of the latter. He freely admitted that the Bill as thus altered came up strangely inconsistent with itself —grossly absurd—and utterly stultifying the decisions of their Lordships—greater and grosser stultifications of their Lordships' decisions never had occurred. Upon that point, however, he had not a strong feeling, for their Lordships' decisions were not always regarded in quarters where they might most reasonably be expected to find respect. His sensitiveness on that score then was small indeed. But the Bill as it had been altered greatly mitigated, inconsistent and absurd as it was, the iniquity of the measure as originally agreed to by their Lordships. When the Bill came before the Commons (he was aware he was not in order in alluding to what had passed there, but somehow or other their Lordships did become aware of it, and what had passed in their Lordships' House on the subject had been referred to in the other House), it had been a great argument in favour of the Bill that it should have received the approval of all the law Lords. Now as to the concurrence of the law Lords, if what he had gathered from the usual channels of information were correct (and really the country gained most of its information now-a-days from those sources), without wishing at all to undervalue the authority of those learned Lords—they did not concentrate in themselves all the learning of the law; and he could state that several of the most eminent Judges were adverse to the Bill. It might be said, indeed, that Judges were good authorities for what the law was, but not for what it ought to be. [" Hear."] And he heard the observation cheered, nor did he wonder at it, but what then became of the authority, on the other side, of these law Lords, who, though not now judges, derived their authority from the fact of their having been so?—so that really the subject should be treated on its own merits. Now, if the reports published were correct as to what had passed in another place, the Bill as agreed to by their Lordships had been advocated by one of the most learned the ablest, and the clearest reasoners this country ever saw—the same learned Gentleman (the Attorney-General) whom their Lordships were so delighted to hear on the preceding night (in the arguments on the Writ of Error), and that learned, Gentleman recommended the measure on the ground upon which it had passed their Lordships' House—that where there were no express declarations of trust, then certain usage should be received as evidence of the objects of the trust. And it might have been expected, surely, that those who supported the measure would have done so on the same grounds as those thus taken by the Attorney General. Not so, however; for it appeared that a right hon. Gentleman, whom nobody knew in private without loving him—and nobody knew in public without respecting him—threw overboard those reasons for adherence to the measure, and said he supported it with no intention of having any specific doctrines to be taught, but on the principle of the " freedom of opinion," and upon this argument arose the Amendment, which essentially distinguished the Bill in its present from its previous form."

Lord *Kinnaird* rose to order. He appealed to the House, whether the right rev. Prelate was justified in going at length into the discussion when the measure was not before the House, and he was only presenting a Petition.

The Bishop of *Exeter* said, the Petition prayed their Lordships to postpone for six months the consideration of the Commons' Amendments; and he apprehended that, before moving that the Petition do lie on the Table, he had a right to show his reasons for that Motion.

The Earl of *Shaftesbury* said, that there was no question before the House, and it would be extremely inconvenient if, on the mere presentation of a Petition, the whole subject was to be gone into, more particularly at the present moment.

Brothels Suppression Bill.] The Bishop of *Exeter* moved the Order of the Day for the third reading of the Bill for the more effectual Suppression of Bawdy Houses, and of the Trading in Seduction and Prostitution.

Lord *Foley* expressed a fear that any attempt to put such houses down by summary means would only lead to their transfer and re-establishment in other parts of the town, at present free from such nuisances. He thought the law as it at present stood, sufficient to abate the evil, but whether that were so or not, he feared that even if their Lordships passed this measure, they would find it impossible to carry its provisions into execution. He did not think the subject had undergone sufficient consideration, and he thought any measure on a subject so important should not have been brought forward without full inquiry. He should therefore, move as an Amendment, that the Bill be read a third time that day six months.

The Earl of *Galloway* regretted that unexpected opposition to the Bill should have arisen at the eleventh hour, and sincerely hoped the advice of the noble Lord for its defeat would not be adopted. The affecting details with which the right rev. Prelate in so feeling a manner originally introduced the measure to the notice of the House, and the statements and arguments with which he had enforced—he might say, had demonstrated—its necessity, must be yet present to the minds of most of their Lordships. They were such as had induced their Lordships to give a second reading to the Bill, and to refer it to a Committee up stairs for revision. That Committee had given their attention to the subject at several sittings. He would mention, because he had heard mistaken comments on the subject, that they had been induced to alter the title of the Bill under legal advice, in order that it might be made to conform to the term already known to the law in respect of such subject: they had struck out several provisions which appeared to them to be objectionable, and unlikely to meet with the concurrence of the House, and they had amended others, and the Bill was now produced in a shape in which he (the Earl of Galloway) was of opinion it ought to pass, if their Lordships really wished to abate the evils complained of, if the House was serious and honest in its desire to carry into effect the obvious intention of the law, as it already existed, but which had been found ineffectual for the purpose, by putting down, or at least by the attempt to suppress, as far as possible, those establishments, which were productive of so much sin and misery and crime, and had so pernicious an influence on the social condition of the people; if, moreover, they would extend protection to a comparatively helpless class, unable without the interposition of the Legislature, to protect themselves from the peculiar species of artifice and fraud which were practised against them, and if they would arrest the progress of abominations, alike disgraceful to a Christian country, and injurious to its best interests. Their Lordships were reminded in the preamble of the Bill, that by the 25th of George II., c. 36, Parliament had given encouragement for the prosecution of disorderly houses, under which terms were included both gaming houses and brothels; but the machinery enacted had been found too cumbrous, the process too dilatory, so that for the more ready suppression of the first—namely, the gaming houses—Parliament had been obliged to give additional powers, and offenders might be prosecuted under the terms of the Metropolitan Police Act, the 2nd and 3rd of Victoria, and dealt with by summary conviction before the Magistrate, who could impose a fine; or imprisonment with hard labour for a period—in duration, the double of that proposed for the first offence in the Bill before their Lordships. Now the supporters of this Bill contended that the demoralizing influence of brothels, and their evil consequences to society, were yet more extensive than those of gaming houses, and that no argument could have been brought for the suppression of the latter by summary process, which might not be made to apply with still greater force to the former. The noble Lord opposite having spoken in a rather low tone of voice, he (the Earl of Galloway) had been unable to gather the exact import of his objections to the measure before the House, but he understood him to ground his Motion of postponement on the necessity of previous enquiry—a regular Parliamentary enquiry, an enquiry by Commission, there certainly had not been, nor did he the (Earl of Galloway) think such to be either requisite on such a subject, or desirable, if it could be avoided.

The existence of houses of this description was notorious, and admitted on all hands, and nothing new to law was asked when their Lordships were invited only to give greater facilities for putting them down, a proposition which appeared to be most reasonable, when the odium was considered which attached to the process of their suppression, and the natural disinclination of respectable parties to be engaged in such a work, and it should be remembered, that innumerable offences were already dealt with by law in the mode proposed in this Bill, and that, moreover, there were already in existence the works of philanthropic individuals, and ample statistical reports of institutions established for the suppression of vice besides some collateral Parliamentary evidence, all showing the amount of the evils complained of, and the crimes which were perpetrated in these houses. This he could vouch for on the authority of a noble Lord present, who had read these works, and from a portion of one of the Reports, which he had read himself, though he trusted he should best consult the feelings of the House, as well as his own by abstaining from entering into particulars. But there was also a Clause intended to provide for the suppression of a system, which was emphatically called in the title of the Bill—the trading in seduction and prostitution; a system which he lamented to state, had been proved to be carried to a frightful extent of organization, both in our large towns and in the country, by which unprincipled parties pandered to the bad passions of their fellow-creatures by entrapping young women to their ruin—the dupes of every species of stratagem and combination; and often the merest children fall victims, and their own happiness and that of the families, with which they were connected, were blasted for ever. He was confident that in the whole catalogue of crime—speaking in a moral not a legal sense—there was not one which more loudly called for the interposition of the Legislature to put it down, nor with respect to which the country would be more grateful for such interposition. He would not occupy the attention of their Lordships with further observations. He commended the Bill to the Christian sympathies of the Houses, and especially to the good will and support of the Ministers of the Crown, that they might be instrumental in conferring so great a boon on the country, that the Government might entitle itself to the gratitude of the community by making the magistrate, what he ought to be in matters of this kind—a terror to evil-doers. If the Bill should go down to the Commons with a unanimous vote of their Lordships' House, it would go down with a passport of recommendation, from which he should indulge the hope of its immediately passing into a law; and sure he was, if such should be the happy result, that however to some unreflecting minds it might appear among the least of the statutes of the Session, it would not be so regarded by the more reflecting portion of the community, and they might confidently hope the blessing of Heaven would attend it.

The Earl of *Minto* said, that he did not question the purity of the motives of the supporters of the Bill, but, notwithstanding the excellence of the object, he had some doubts with respect to the machinery by which that object was to be accomplished. He had taken the liberty some days ago of expressing a hope that the Government would take this matter into serious consideration, and be prepared at some future stage of the Bill to give the House some advice as to the course they should adopt on this subject. The Government had the best means of information, through the Commissioners of Police, both with respect to the extent of the evil, which all must deplore, and the probable operation of the measure now suggested, and it was extremely desirable that they should counsel the House as to the course that should be taken on this measure, which undoubtedly was one of a very grave character, which attempted to solve one of the most difficult questions of domestic regulation, and established new and summary penalties of a very stringent character.

The Duke of *Wellington* thanked the noble Earl for having given notice of the question he had now put. Having informed himself on the subject, he had now to state, that certainly the desire of the Government was very earnest to mitigate any evil resulting from the establishments alluded to; but there was a very strong feeling of the difficulty of carrying into execution such measures as were proposed in this Bill. It appeared to them that those measures were very stringent, and would require a variety of arrangements to enable the Government and the magistracy to carry this Bill into execution, which measures certainly had not been sufficiently considered in that view, or even as to the propriety of adopting them, supposing there were the means of executing them. Under these circumstances, he recommended his right rev. Friend not to press the measure further on the consideration of the House.

The Bishop of *Exeter*, after what had fallen from the noble Duke, would be very sorry to press the Bill one moment longer on their Lordships' attention. He rejoiced to trace such expressions of sympathy on this subject from both sides of the House with respect to the object of this Bill, and he hoped that Government, seeing the great importance of the subject, would take it into their consideration with a view to the production of a measure next Session more likely to accomplish the end he had in view.

The Earl of *Mountcashell* regretted exceedingly that this Bill was about to be abandoned. The evils it was calculated to suppress were of the most alarming character, particularly the horrid trade in seduction, which was carried to an incredible extent in this metropolis, with respect to which he had a variety of horrors to detail, and which he would bring before the House Session after Session till some measure was carried similar to the present Bill. The longer that measure was delayed the more stringent its provisions must be made.

Bill withdrawn.

Their Lordships then proceeded with the further hearing of the arguments on the Writ of Error.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 9, 1844.

MINUTES.] BILLS. *Public.*—1°· Privy Council; Lecturers and Parish Clerks.

Reported.—Three-and-a-Half per Cents. Exemption; Vagrants Removal.

3°· and passed:—Militia Ballots Suspension; Stock in Trade; Turnpike Acts Continuance.

Private.—3°· and passed: — Earl of Guilford's Estate; Wishaw and Coltness Railway.

PETITIONS PRESENTED. By Mr. S. Crawford, from Bridgewater, for Extension of the Franchise.—By Mr. Bannerman, from Aberdeen, against Dissenters Chapels Bill.—By Viscount Acheson, from Lurgan, for Legalising Presbyterian Marriages (Ireland).—By Mr. Barnard, from W. Palmer, and J. Smith, in favour of County Courts Bill. —By the O'Conor Don, from G. O'M. Irvine, Esq., for Inquiry.—By Mr. Ord, from Newcastle, for removal of Jewish Disabilities.—By Mr. Arkwright, aud Mr. Bodkin, from Leominster, and Peterborough, against Poor Law Amendment Bill.—By Mr. Barclay, from Sunderland, for Alteration of Poor Law. — By Mr. Vesey, from Abbeyleix, for Alteration of Poor Law (Ireland). — By Mr. Macaulay, from Edinburgh, for Acceleration of Mails.—By Mr. T. Duncombe, from Jas. Pike, for better regulation of Railways.—By Mr. Broadley, from Hull, and Mr. Hutt, from Brandling Junction Railway, against Railways Bill.—By Mr. Mackinnon, from Rochdale, in favour of Smoke Prohibition Bill.—By Mr. Wallace, from Selkirk, for Relief of Stocking Weavers. — By Captain Jones, from Londonderry Union, for Alteration of the Law of Valuations (Ireland).

SUDBURY DISFRANCHISEMENT.] The *Solicitor General* moved the second reading of the Sudbury Disfranchisement Bill.

Bill read a second time.

Counsel having been heard against the Bill.

The *Solicitor General* said, that in his opinion, the learned counsel who had just addressed the House had failed to make out a case to justify the House in refusing the second reading of this Bill. He freely admitted that the extreme step of disfranchisement should not be taken except on very strong and just grounds. But it had been clearly and indisputably proved that a majority of the electors of the Borough of Sudbury, were tainted by corruption. He admitted, that if this strong fact had not been made clear and indisputable, he should not be entitled to claim the support of the House to the second reading of the Bill. He had at that time nothing whatever to do with other cases, however analogous. He had simply to do with Sudbury and its corruption, as those corruptions had been proved. And if the Bill passed, as he trusted it would—it would undoubtedly act as a warning and an example to other places; and this was one of the greatest advantages that might be expected to accrue from the Bill. It should be particularly impressed upon the recollection of the House that the Bill which he now proposed was the third Bill for the disfranchisement of this Borough that had been brought before that House. Two other Bills of disfranchisement had upon previous occasions passed that House, and been sent thence to the House of Lords, where, unfortunately, from one circumstance or another, they had been stopped in their course. And yet, after all these warnings, there had at the very last election been practices of the most gross and profligate character—thus showing the predetermination of the voters in this

Borough that their elections should be carried by bribery and bribery alone. No less than 3,000*l.* in gold had been received by a clerk and agent of Mr. Dyce Sombre, one of the candidates, and the whole of this large sum had been expended in the most extensive mode of bribery, by parties utter strangers to the borough. And yet the just and legitimate expences attendant upon the election—such as the law agents, printers, and other necessary bills—were to this day absolutely unsettled. There was a system in Sudbury of the most profligate character which it was well known had existed for years, and which was this:—When an election was likely to take place, every publican opened his house to the town at large. At each house a large debt was owing for the expences incurred at the last previous election and which debts sometimes remained unpaid from the close of that election to the time when another was about to take place. These debts were called "fixtures," and they were paid thus. When candidates came down at an election time to offer themselves as candidates for Sudbury; the first thing they were presented with was, a statement of these "fixtures." If the candidates paid these "fixtures," or debts due from the last election, then they were accepted as candidates, and stood a fair chance of being returned; but if they declined to pay off these "fixtures," then they might pack up and be off, for no chance would they have of ever representing the borough of Sudbury. Such was the system—the disgusting system—which prevailed in this notorious and profligate borough. All he asked the House now to do, was to proceed on the evidence in the book now upon the Table and at once to disfranchise a place in which there was no nucleus for honesty and public virtue to gather round. Where the franchise thus taken from Sudbury was to be extended to was not then the question before the House. That was a matter for after consideration; and, therefore, confining himself to the only point strictly before them, he thought hon. Members could upon the evidence now before them, have no difficulty in agreeing to the Bill for at once disfranchising the borough of Sudbury.

Mr. *Blackstone* felt, that if he attempted to oppose this Bill, he should not be successful, as the Bill had been taken up by one of the Law Officers of the Crown, and came before the House with the whole support of the Government. He did not, therefore, feel called upon to make any opposition to the second reading or to the committal of the Bill, although he did not believe that the whole of the electors of Sudbury were corrupt. When the House went into Committee on the Bill, it was his intention to move, that instead of disfranchising Sudbury, the right of voting should be extended to the adjacent hundred. This had been the course pursued with respect to East Retford, to which the hundred of Bassetlaw had been added. If he should be unsuccessful in this, it was his intention to take the sense of the House upon the principle of the Bill upon the third reading.

Mr. *Tuffnel* expressed his satisfaction at this Bill having been introduced. He trusted that the Government would on every occasion, no matter what party was in power, do all they could to put down bribery and corruption. He sincerely hoped that the Bill would pass.

Mr. *D. Browne* thought there were other boroughs in the country, besides Sudbury, which ought to be disfranchised on account of bribery and corruption. When the franchise was taken from a corrupt borough, it ought to be given to some populous place, in order to maintain the just balance of representation.

Mr. *Williams Wynn* (who spoke from his seat) thought the House ought to be consistent with itself, and proceed at once to pass this Bill. He thought the evidence which had been adduced with respect to this Bill was amply sufficient for the House to act upon in legislating on the subject. He looked upon this Bill, not merely as a penal, but a remedial measure. He thought that no borough had exhibited more systematic bribery and corruption than that which had been shown to exist in the borough of Sudbury.

Bill read a second time.

DANISH CLAIMS.] Mr. *Christie* rose to bring forward his Motion with respect to these Claims. The question had been so often before the House, and the justice of the Claims had been so often affirmed, that he felt justified in bringing the subject forward in the briefest possible manner. The subject, however important to the individuals whose pecuniary interests were involved, was of a dry and unexciting character, and he could not but remember that this question had previously come before the House recommended by all the weight of Mr. Justice Cresswell's ability and reputation; and that after he ceased to be a Member of the House, it was undertaken and treated in his usual luminous manner by his hon. Friend the Member for Lambeth (Mr. Hawes). His hon. Friend had been prevented by other occupations from again bringing forward the question. He expected to hear it said that it was time to have done with the Danish Claims. But what was the state of the question, and the circumstances under which he then brought the Motion forward? The present Claims, amounting to about 225,000*l.*, were the last of three classes of Claims, the two other classes having been paid, first one and then the other, both after long opposition, by successive Governments, and the justice of the third class having been affirmed on three occasions by majorities of that House. Last year, his hon. Friend (Mr. Hawes), who had expected a larger majority than ever, found himself, to his great surprise, beaten in the division. But the Danish Claimants had three victories to put forward against that one defeat, and whatever opinion the Chancellor of the Exchequer might himself entertain against the Claims, he must admit that there was some strength in Claims which had been so earnestly advocated by so distinguished a Member of his party as Mr. Cresswell, which had been supported by so many Members of his party, and by several Members of the present Government, and that there was justification for bringing them forward. Ten Members of the Government had voted for these Claims at different times. The noble Lord, the Secretary for Ireland (Lord Eliot), who had begun by opposing them, changed his opinion, and voted for them in 1841, but last year voted against them. The hon. Members for Wenlock (Mr. Gaskell), and Belfast (Mr. E. Tennent) had voted for Mr. Cresswell's Motion, but last year were absent from the division. The Solicitor General had voted for them, after hearing the elaborate argument of the hon. and learned Member for Worcester on the other side, on which so much stress had since been laid. He was not in office last year, but he supposed he would maintain his consistency to-night. No other Members of the Government had changed their votes. There was a list of six: the hon. Member for Selkirkshire, (Mr. Pringle) a Lord of the Treasury, the gallant Member for Chippenham (Captain Boldero), the hon. Member for Southampton (Mr. G. W. Hope), the hon. Member for Linlithgow (Mr. Charles Hope), the gallant Officer, the Member for Scarborough (Sir Frederick Trench), who had not only voted but spoken. He was particularly sorry not to see the gallant Member present, for he meant to read his speech which was very short and strong:—

> "The question is (said the gallant Member) not as to the length of time which has elapsed, but whether the House will do justice. I shall vote for the Motion, because no length of time will bar a claim of justice."

So spoke the gallant Officer in 1838; but when he took office, he found that time did affect justice. The last on the list was not the least, the right hon. Member for Kent (Sir E. Knatchbull). The Danish Claimants, then, were justified in again coming forward to see whether their defeat last year was the result of accident, and whether the Government really meant, to a question like this, involving thousands of pounds to some individuals, and comfort or beggary for life to others, as a party or Government question. The Claims arose out of the memorable capture of Copenhagen, in 1807. Suddenly, when we were at peace with Denmark, an English fleet, with a large military force, arrived off Zealand, to compel the surrender into our hands of the Danish fleet, unless Denmark promptly made a voluntary surrender of it. The voluntary surrender was refused; our fleet bombarded Copenhagen, which in a short time capitulated. English ships in the Danish ports, and off the Danish coasts, were captured in retaliation for this aggression; and the present claimants all claimed for losses of ships and cargoes which took place during a period of time extending from the beginning of August, when the attack on Copenhagen took place, till the 24th of December, when war was for the first time declared by Denmark. The expedition had been planned with the utmost secrecy, in order to insure its being effectual; and those whose ships were lying in the Danish ports, and had no notice of the intended attack, had a right to come to the Government of their own country for compensation for losses which they had suffered for the public good. Other losses had been sustained on the return home from distant ports in the Baltic, the British Commodore having suddenly, and without authority from the Government, withdrawn from the Baltic the British fleet, on which the owners of the ships relied for protection. But all the claimants, without distinction, asked for compensation on the ground that they had suffered from reprisals; and it was a recognised principle of the Law of Nations, that individuals should be compensated by their country for losses sustained by way of reprisals. The answer made was, that these were not cases of reprisals; but that during all this time there was declared war between Denmark and England. How was this proved? By a document quoted from the *Annual Register* of 1807, not brought from the Foreign Office, which now turned out to be mistranslated. His hon. Friend the Member for Lambeth (Mr. Hawes) had moved last year for a Return of this document in the original German, and an authentic translation had been appended to the Return. This document was dated the 16th of August, 1807, from Glückstadt, in Holstein. It ordered that all the goods of English found in Denmark should be "seized," according to the translation in the *Annual Register*. But it now turned out that "seized" ought to have been "laid under embargo;" and this word "seized" was the most warlike word in this document put forth as a declaration of war. Even if it had ordered the goods to be "seized," that would not make it a declaration of war. The Danish Minister at our Court remained in England till the middle of November. Was that consistent with a state of war? As late as the 13th of December, the King of Denmark said, in a reply to some merchants who had addressed him, that he had only sequestered the goods of the English; that he could make no further concessions to so perfidious an enemy, and he urged his subjects to fit out privateers and make reprisals on the English. [The *Chancellor of the Exchequer*: "Hear, hear,"[The right hon. Gentleman cheered, and meant, probably, that if there was not war the King of Denmark would not not have called England an enemy, nor licensed privateers. Why this was the very difference between reprisals and war. Was France at war with Morocco? M. Guizot had said the other day, in the French Chamber, that there was no war, but that they had met a Moorish aggression with reprisals. Then it could not be said that this proclamation of the 16th of August was a declaration of war. It did not emanate from the chief seat of Government, Copenhagen, but from Glückstadt, a port in the outlying Duchy of Holstein. It was not addressed to our Government, but only to the Danish subjects in the Duchy of Holstein. There was a decree of confiscation of English goods on the 24th of December, and there was no proceeding tantamount to a declaration of war before then. All these losses occurred before the 24th of December. There being no war, the distinction which had been made between the Claims that had been paid, as arising from losses sustained contrary to the usage of war, and these Claims fell to the ground. But even if there had been war, was there no claim? The war had arisen in a peculiar manner, without notice to English subjects, whose ships were in danger; licenses had actually been given by the Admiralty for ships to sail for Danish ports, while the expedition to Copenhagen was being projected, and after the fleet had sailed with its sealed orders. These are the grounds on which he put these Claims forward. If the right hon. Gentleman would give any hope that he would cause a full and fair investigation of this case, he had no wish to divide the House. The right hon. Baronet (Sir J. Graham) took upon himself to say for the Government, that they would hold out no such hope. He (Mr. Christie) was sorry to hear it. Lord Althorp, in 1834, after opposing the Book-Debt Claims, had promised, on a Motion of his hon. Friend the Member for Sheffield (Mr. J. Parker), to take the Claims into his consideration; and they were paid. Lord Monteagle had done the same in 1838, with the Claims for goods confiscated on shore, brought forward by his hon. Friend, the Member for Kendal (Mr. Warburton). The present claimants had to complain of so much deference having been paid to the opinions of the House expressed in debate in the other cases, while in their case four majorities of the House were set at nought. They had to complain of the encouragement which they had received from the party opposite, when out of power, not being continued now that they were in power. The right hon. Baronet (Sir Robert Peel) had voted, it was true, in 1841 against the Claims, the year before he came into power; but what did he do when Mr. Cresswell brought forward the question in 1838? He was in the House during the whole of the debate, applauded Mr. Cresswell's speech, and left the House just before the division. That induced the Danish Claimants to think that he had had difficulty in making up his mind on the question, and to hope that when he came into power he would befriend them. If the Government forced him to a division, he hoped they would not make this a question of confidence: it could not redound to their honour if Members of the Government who had voted once, twice, and three times for these Claims, now voted against them, and it would be said, that the grievances of individuals were taken up and abandoned in that House just as it suited the purposes of party. The hon. Gentleman concluded by proposing the following Motion: —

"That this House will, to-morrow resolve itself into a Committee to consider of an Address to Her Majesty, praying that She will be graciously pleased to take into Her early and most favourable consideration the case of the Claimants for losses sustained by the seizure of British ships and cargoes by the Danish Government in 1807, and reported to have been established by the Commissioners, to whom it was referred, to examine and adjudicate on all such Claims, in their Report bearing date the 12th day of May, 1840."

Mr. *Hume* seconded the Motion. These Claims were now thirty-seven years old, and most disgracefully twenty-six years were allowed to elapse before any justice whatever was obtained from that House. Now, however, the public faith was pledged to payment by majorities gained against the strenuous exertions of successive Ministers in no less than six divisions. No man in that House had been a greater advocate of public economy than he had; but he thought it was disgraceful, and it would attach discredit and odium to the country, that those Claims had been left so long unsettled. All party feeling should be thrown aside upon such a question; yet the conduct of hon. Members upon it was such as to throw discredit upon the House. When the hon. Member for Lambeth brought forward the question in 1842, he was defeated by fifty-seven to forty-two; yet in the majority who then supported the Minister there were fifteen Gentlemen who in previous years had registered their votes in favour of these identical Claims. He entreated the Government to remember that they were resisting a claim which was founded in justice, as declared by six majorities of that House.

The *Chancellor of the Exchequer* held that to be one of those questions upon which the Government was called upon to exercise the power given to them by the constitution of controlling the disposition of a popular assembly to bestow the public money on other than public considerations, and where it was not properly and fairly due. So long as he was honoured with Her Majesty's confidence, he would never be wanting in what he considered the faithful discharge of his duty, even although he might be accused of resisting a claim which some Gentlemen might deem to be founded in justice. The Claim now made had been laid before the best legal authorities by both the present and former Governments, and the uniform opinion of all these competent authorities was that these Claims could not be properly acceded to. That if they were it would open to the door, not to the payment of the 125,000*l.* now sought—but having once recognised the principle, they might be called upon for compensation for similar losses sustained in other wars that were past, and they must pay similar claims in all future wars. The hon. Member for Montrose had charged hon. Gentlemen with having changed their opinions upon the subject; but, considering the great confusion which existed in the minds of many men as to the different classes of Claims, and their dissimilarity, nothing was more natural than that, upon investigation, and consideration of the usages and the laws of war, hon. Gentlemen should revise their former opinions, and record their votes contrary to what they had done before. He resisted the Claim now upon the same ground on which it had frequently been resisted before, both by himself and his predecessors in office; he denied, as strongly as language could possibly do, the statement of the hon. Gentleman who introduced the question, that there had been no declaration of war before the captures, for which compensation was claimed, were made. It was admitted the captures were all made subsequently to the 16th of August, 1807, on which day a proclamation was issued by the Danish Government from which the following was an extract:—

"Whereas, by the English envoy Jackson it was declared to us on the 13th of this month that hostilities against Denmark would be commenced; and whereas, at the same time, he demanded passports for himself and suite, consequently the war between England and Denmark may be considered as actually broken out; therefore, we herewith call on all our faithful subjects to take up arms, whenever it shall be required, to frustrate the insidious designs of the enemy, and repel hostile attacks."

Why, if the doctrine laid down by the hon. Gentleman was to be held good, the battle of Waterloo must have been fought in a time of profound peace, because on the 15th of June, 1815, that there had been no formal declaration of war against France. Again, he said, Great Britain had not declared war against Denmark until a later period. The British declaration was dated September 25, 1807, and the following was an extract from it:—

"Notwithstanding the declaration of war on the part of the Danish Government, it still remains for Denmark to determine whether war shall continue between the two nations,"

clearly showing that war had existed between the two countries previous to that date. The following extracts from Danish documents all showed that the war commenced on the 16th of August:—The first is an extract from the Danish declaration, dated the 24th August, which referring to an antecedent period, states,—

"Placed between danger and dishonour the Danish Government had no choice; the war commenced."

The next is a proclamation of the Governor of Zealand, dated the 16th August. He says—

"Hostilities having commenced on the part of the English, I hereby declare, in virtue of the highest authority, that all English property be laid under sequestration; which each and every one is accordingly enjoined to report the English property, of what kind or nature soever, to the police, who will make the further necessary arrangements. Any one who conceals or does not fulfil this order will be considered as a traitor to the country.

(Signed) "PEYMANN.

"Copenhagen, August 16, 1807."

Other documents which could be produced prove the same thing. Then, said the hon. Gentleman, compensation is due because this was a war without due notice. Was it the usual practice, or could it be done, when this country saw another placed in circumstances which threatened her interests—was it possible they could give that country notice that six months' hence a war would commence? It was absurd; and those subjects of Her Majesty whose ships were seized by the Americans after the United States declared war, and before the actual commencement of hostilities, or any declaration on the part of Great Britain had as much claim to be compensated as the claimants whose case they were considering. The hon. Member for Montrose declared himself an advocate for economy. But from the course which he was now taking, it appeared as if he considered economy to consist in curtailing minor points of expenditure, being perfectly willing while he saved little amounts in public services, to incur large expenditure for the gratification of private individuals. The right hon. Gentleman concluded by declaring his determination to oppose the Motion.

Mr. *Hawes* said, the arguments of the right hon. Gentleman against these Claims would have been equally applicable against the former Claims that were allowed. The circumstances of this case were peculiar. Nothing like it had ever before occurred in the history of this country, and nothing like it he hoped would ever occur again. According to the doctrines of the right hon. Gentleman it was impossible to ascertain when we were at war or when we were not. Were we at war with China two years ago when towns and ships were taken, and this country enforced a ransom of a million of money? We refused the expedition that gained that sum their prize-money because we said there was no war. Would the Treasury now pay the men the prize-money gained in China? Would the Chancellor of the Exchequer meet them on that ground? It was then convenient for the Treasury to say there was no war, but now it was convenient to say there was a war. In fact we were at war or not at war, just as either case was likely to protect the Exchequer. There was no just reason for refusing the claims of the shipowners, as they had nothing but their cargoes, and were more exposed to loss than anybody else. As he was satisfied that these were good equitable Claims he would most heartily support them.

Colonel *Sibthorp* had always attended to give his vote in favour of the just Claims of these individuals, and he hoped the hon. Gentleman would persevere year after year in bringing them forward, and if he did, the Chancellor of the Exchequer would be sure to knock under.

Sir *C. Napier* was glad to hear the Chancellor of the Exchequer declare that the attack on Copenhagen was a sufficient declaration of war, for if so he could not see how it could be argued that the troops in China were not entitled to their prize-money; or that the whole of the operations which took place there, including the second capture of Canton, were not acts of war. The most extraordinary services were performed there by the Army and Navy. The operations were carried on in the most extraordinary manner by Sir W. Parker, in ascending unknown rivers, and reaching Canton, where vessels were captured to the value of 7,000,000 of dollars. Yet the whole of this money was given up in order to enable China to pay to this country a large sum for the expense of carrying on the war, and all the while the Chancellor of the Exchequer sat, and did not give a single dollar to any of the men engaged on that most important service. He feared that when the troops would find that they were treated in this manner they would turn round.

Sir *R. Peel* did not believe that the British Navy or those who constituted it, would act on the principle just stated by the hon. and gallant Member. He believed that they would do their duty to their Sovereign and country without reference to pecuniary consequences; and that, if their duty required them to take a certain part, they would not turn round and neglect their duty.

Sir *C. Napier* did not mean to say that the troops would neglect their duty, but that men would not enter the service.

Sir *R. Peel* hoped the House would not be diverted from the real question at issue. The question before the House was, whether those parties had Claims on the House of Commons for a quarter of a million of money for alleged captures made thirty-seven years since. The attention of the House was not called so much to the origin of the Claims on the present occasion, but the votes of the House had been attempted to be gained by reference to the parts which individual Members of Parliament had taken on former occasions. The hon. Gentleman said that he (Sir R. Peel) on a former occasion, when this subject was debated, retired from the House. But he must say that when he was in opposition to the late Government he gave them his support in opposing these Claims; and in 1841, when Mr. Cresswell, who sat on the Bench behind him, brought them forward, he recorded his vote in favour of the course pursued by the Government, and which was dictated by a sense of public duty, against Claims which they believed to be unfounded, but which were supported by that sort of personal private canvass of which he had on so many occasions reason to complain. If they were now at liberty to discuss the justice and policy of the war with Denmark, there never would be a limit to such Claims hereafter. The only question for them now to consider was, had there been a war with Denmark? What were the facts? This country had reason to believe that Denmark was about to give over its fleet to France, and being at peace with Denmark it required that country either to deny the charge or to give over the fleet to it. There was in fact a secret Article in the Treaty of Tilsit that Denmark should give up the fleet to France. This country, anxious to prevent this, sent a force to take that fleet, and secure it from the control of Bonaparte. On the 16th of April the King of Denmark declared war against this country and yet the merchants continued their speculations, and on the 4th November this country declared war against Denmark, in a proclamation commencing in these terms:—

"Whereas the King of Denmark has issued a declaration of war against His Majesty, and His Majesty's anxious and repeated endeavours to obtain the revocation of such declaration, and procure the restoration of peace, have proved ineffectual, &c."

He would now read to the House Sir W. Scott's opinion as to the retro-active effect of a declaration of war. There were many cases decided on the point in the Courts of Law. He held one in his hand with respect to the seizure of property in Demerara. It was seized during a time of peace, and the question was, if it were a prize of war or not, the seizure having been made before a declaration of war; and the opinion of Lord Stowell as to the effect of the declaration of war was as follows:

"The circumstances are these: that the property was taken in a state of peace, and that the proprietors are now become British subjects, and consequently that this property could not be considered as the property of an enemy either at the time of capture or adjudication. Now, with respect to the first of these pleas, it must be admitted that that alone would not protect them, because the Court has, without any exception, condemed all other property of Dutchmen taken before the war. And upon what ground? That the declaration had a retro-active effect applying to all property previously detained, and rendering it liable to be considered as the property of enemies taken in time of war. This property was seized provisionally — an act itself hostile enough in the mere execution, but equivocal as to the effect, and liable to be varied by subsequent events, and by the conduct of the government of Holland. If that conduct had been such as to re-establish the relations of peace, then the seizure, although made with the character of a hostile seizure, would have proved in the event a mere embargo or temporary sequestration."

So that all seizures made previously to the declaration of war became a prize, and were liable to be taken possession of. In the case now under discussion there was a declaration of war by Denmark on the 16th of August, and that on the part of Great Britain was made on the 4th of November, which latter declaration, even if the other were not made, according to Lord Stowell, had a retro-active effect. The opinion of Her Majesty's Government was that this Claim was not well founded —that the House could not admit it without establishing a precedent that was most dangerous and embarrassing as to the future, and without giving rise to other claims, at least as strong as this; and the Government, as the guardians of that public purse, which was liable to be assailed by so many claimants, and of which he did not feel that the House of Commons was always the most effectual protector, felt it to be their duty in conformity with the obligations they owed to the public now to take the course which they took when they were the opponents of the late Government, and offer every opposition in their power to a Claim which they did not consider to be founded in justice.

Mr. *Muntz*: The question seemed to him to be whether the merchants under the circumstances could take care of themselves, or if they were not placed in a false position by the assurances which were made to them by the Admiralty. He should say, that the merchants had a just claim on the Government; and he thought that upon a question between individuals and the Government, the former ought not to be sacrificed when such a small amount was at stake.

The House divided:—Ayes 68; Noes 72: Majority 4.

List of the AYES.

Aglionby, H. A.
Antrobus, E.
Archbold, R.
Bagge, W.
Bannerman, A.
Barclay, D.
Barnard, E. G.
Blackstone, W. S.
Bowes, J.
Bowring, Dr.
Bright, J.
Broadley, H.
Chapman, A.
Chute, W. L. W.
Clay, Sir W.
Cobden, R.
Crawford, W. S.
Dennistoun, J.
D'Eyncourt, rt.hn.C.T
Disraeli, B.
Douglas, Sir H.
Duncan, G.
Duncombe, T.
Esmonde, Sir T.
Forster, M.
Gardner, J. D.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Greenaway, C.
Hawes, B.
Hinde, J. H.
Hodgson, R.
Howard, P. H.
Hutt, W.
Kemble, H.
Liddell, hon. H. T.
Mangles, R. D.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Muntz, G. F.
Murphy, F. S.
Napier, Sir C.
Neeld, J.
O'Brien, J.
C'Connor, D.
Ogle, S. C. H.
Ord, W.
Plumridge, Capt.
Rawdon, Col.
Rice, E. R.
Ross, D. R.
Sandon, Visct.
Scrope, G. P.
Sibthorp, Col.
Smith, A.
Smith, J. A.
Smythe, hon. G.
Vane, Lord H.
Villiers, hon. C.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Wawn, J. T.

TELLERS.
Christie, W. D.
Hume, J.

List of the NOES.

A'Court, Capt.
Adare, Visct.
Adderley, C. B.
Arkwright, G.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Bateson, T.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Brotherton, J.
Bruce, Lord E.
Byng, G.
Campbell, J. H.
Carnegie, hon. Capt.
Clerk, Sir G.
Cockburn, rt.hon.SirG.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Denison, E. B.
Douglas, Sir C. E.
Eliot, Lord
Escott, B.
Forbes, W.
Forman, T. S.
Fremantle, rt.hn.SirT.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn. W.E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greene, T.
Hamilton, Lord C.
Hayes, Sir E.
Heathcote, G. J.
Herbert, hon. S.
Hope, hon. C.
Hope, A.
Hope, G. W.
Hussey, T.
Jermyn, Earl
Knatchbull, rt.hn.SirE
Law, hon. C. E.
Lefroy, A.
Lennox, Lord A.
Lincoln, Earl of
Lowther, hon. Col.
McGeachy, F. A.
Macnamara, Major
McNeill, D.
McTaggart, Sir J.
Marsham, Visct.
Martin, C. W.
Meynell, Capt.
Milnes, R. M.
Nicholl, rt. hn. J.
Norreys, Lord
Northland, Visct.
Peel, rt. hon. Sir R.
Pringle, A.
Smith, rt. hon. R. V.
Somerset, Lord G.
Stanley, Lord
Sturt, H. C.
Sutton, hon. H. M.
Thornely, T.
Trench, Sir F. W.
Trollope, Sir J.

TELLERS.
Young, J.
Baring, H.

DOG STEALING.] Mr. *Liddell* rose, pursuant to notice, to call the attention of the House to a Petition presented last Session, praying for further protection against the depredations of Dog Stealers in this metropolis, and to move for a Select Committee to inquire into the allegations of the said Petition with a view to the correction of the evils complained of therein. He was aware that he must labour under some disadvantage in bringing under the notice of the House a subject which might be deemed beneath its consideration. But he would remind the House that the subject was not a new one, but had been frequently complained of, as a grievance that called loudly for some legislative remedy. The admitted existence of the grievance, then, was his justification for calling upon the House to interfere. A Petition had been presented to the House, in the last Session, signed by several Peers and many Members of that House complaining of the great loss of property they had sustained by the practice of Dog Stealing, and praying for a change in the existing law, which did not afford any adequate protection. It was not necessary that he should go into any details to show the extent and frequency of this offence for it was perfectly notorious to every Member of the House. In fact, no man's dog was safe a moment —and the more valuable it was the more certain was it to be stolen, and should detection take place, the only punishment was a fine. In many cases a compromise took place, and the owner, glad to get his dog back, paid a large sum to the thief for his restoration, and thus was another offence committed, the compromise of a theft. In the last and the present years the money paid in this metropolis for the restoration of stolen dogs under a compromise amounted to 970*l.* collected by an organised gang of Dog Stealers. Now, according to Blackstone, it was a felony to receive any money for the restoration of stolen property; and it was the very offence for which Jonathan Wild was executed. It was not his object at present to propose any remedy, although he was prepared to suggest one. All he wanted now was an inquiry by a Committee, and he did not doubt that out of that inquiry would arise the remedy for the evil. He believed that the penalties under the existing law would check the practice if they were enforced; but they were not, as persons losing valuable dogs preferred getting the dogs back by a compromise. He did not mean to propose that under any circumstance, Dog Stealing should be made a felony, for he was not at all disposed to add to the list of felonies already in our Penal Code. He could not see why a man's property in a valuable dog, perhaps worth fifty guineas, should not be protected as well as a horse or a donkey. He would say no more at present than to throw out the suggestion that it might be advisable to give to the police a power of strict search, so as to enable them to trace out the property. He had spoken to many magistrates and other police authorities, and they all concurred that the law, as it at present stood, afforded no protection against the evil. He hoped, therefore, that the House would grant him the Committee, as he understood the right hon. Baronet at the head of the Home Department would not oppose his Motion. The hon. Gentleman concluded by moving that a Select Committee be appointed,

> "To inquire into the allegations of the Petition, presented upon the 20th day of June, in the last Session of Parliament, praying for further protection against the depredations of Dog Stealers in the Metropolis, with a view to the correction of the evils complained of therein."

Sir *J. Graham* said, if his hon. Friend was really of opinion that previous inquiry was necessary on this subject, he should be unwilling to resist the Motion. He assumed, however, from what fell from his hon. Friend, that he did not seek an alteration in the existing law, and that he was prepared to recommend certain remedies, and, therefore, he did not himself think that previous inquiry was absolutely necessary. Nevertheless, if his hon. Friend wished to satisfy himself by previous investigation, although it might be inconvenient at this period of the Session, in the month of July—[A *Member:* "In the dog days."] Yes, and in the dog days, he would not oppose the Motion. If, however, it were a mere question of following these offenders he could not see that legislative interference was necessary, since he had no doubt that in any plan for the purpose consistent with the law, a Commissioner of Police would readily lend his assistance.

Mr. *Liddell* said, he contemplated an alteration in the law, because the law as it now stood was inefficient. He was, therefore, prepared to introduce a Bill for the purpose, but he wished previously to fortify himself with the Report of a Committee. Motion agreed to.

ROYAL ACADEMY.] Mr. *Hume* then rose to move

"An humble Address to Her Majesty, That, as Patroness and Comptrollor of the Royal Academy of Arts, She will be graciously pleased to take into consideration the Laws and Regulations of that Institution, with a view of rendering it more conducive to the advancement of the Fine Arts, better suited to the spirit and circumstances of the present age, and more consonant with the original intention of its Royal Founder, George the Third."

The hon. Member said, that the Royal Academy, which was instituted by George III. with a view of promoting the Fine Arts in this country, had become a complete monopoly, and was in fact an impediment rather than an aid to the progress of the arts. He hoped, therefore, that the House would sanction this Motion, with a view of introducing such reforms into the Institution as might be deemed necessary. The Royal Academy was founded by George III. in 1769, in order to promote the interests of artists generally; but it had, in the progress of time, become a self-elected monopolizing body. According to the original rules, it was required that there should be an annual exhibition of painting and sculpture, at which all artists of distinguished merit should be allowed to exhibit their works, such exhibition to be open to the public for six weeks or longer, under the regulations set forth in the bye-laws. It was evidently intended that this exhibition should be open to the public free of charge; for, according to one of the rules, if any expense was incurred beyond what could be defrayed from the annual subscriptions, it should be provided for from the King's Privy Purse. At a subsequent period, however the Academicians required the payment of admission-money, on the ground that this regulation was necessary to prevent the rooms from being filled with improper persons; and they had realized a large sum of money by these payments—to the amount, he believed, of upwards of 80,000*l.* The hon. Gentleman was proceeding to argue, that it was most desirable the public should have free admission to such exhibitions as that of the Royal Academy, when

The House was counted out, and adjourned at a quarter before eight o'clock.

HOUSE OF COMMONS,

Wednesday, July 10, 1844.

MINUTES.] BILLS. *Public.*—1°. Marriages.
2°. Field Gardens; Butter and Cheese; Municipal Corporations.
Reported. — Colonial Postage; Assessed Taxes Compositions; Joint Stock Companies Registration and Regulation.
3°. and passed: — Three-and-a-Half per Cents. Exemption; Vagrants Removal; Aliens.
Private.—1°. Cheape's Divorce.
Reported.—Gaspé Fishery.
3°. and passed:—Irvine's Estate; Middle Level Drainage and Navigation.
PETITIONS PRESENTED. By Mr. Watson, from Lancaster, for Alteration of Law respecting Roman Catholic Chapels, and of Mortmain. — By Mr. T. Duncombe, from G. Adams, for Release of Thos. Paterson; from Nailmakers of Bromsgrove, for Inquiry.—By Mr. Watson, from T. M. Cattlin, for Relief. — By Sir H. W. Barron, from Waterford Union, and Mr. Serjeant Murphy, from Cork, for Alteration of Poor Relief (Ireland) Act.—By Mr. T. Duncombe, from the Earl of Stirling, and R. Crothers, respecting Opening of Letters.—By Viscount Courtenay, from Brixham, against Turnpike Trusts (South Wales) Bill.

REGULATION OF JOINT STOCK COMPANIES.] House in Committee on the Joint Stock Companies Regulation Bill.

On the second Clause,

Mr. *Gladstone* said, with reference to the desire expressed by some hon. Members, that the provisions of this Bill should be extended to Scotland and Ireland, that on bringing up the Report it was his intention to propose a Clause extending the provisions of the Bill to Ireland. His right hon. and learned Friend the Lord Advocate would explain why, in its present state, the Bill could not be applied to Scotland.

The *Lord Advocate* said, that in the present state of the law on this subject in Scotland, it would cause great confusion to extend the provisions of this Bill to that country. He thought it would be much better to have a separate Bill for that part of the United Kingdom.

On the question that the Clause as amended stand part of the Bill.

Mr. *R. Hodgson* proposed to add the words "Railway Companies" after "Banking Companies."

Mr. *Gladstone* said, that he would now state to the Committee the course which he proposed to adopt with regard to railways. He would associate railways with those public works, which, by the Rules of the House, were called public works of the second class; that was generally companies for the construction of public works. He would propose that all such companies should have at first a provisional, and, after a fixed time, a complete registration. One object of the Bill was to prevent fraudulent jobbing in shares, and he proposed that no transfer of shares should take place before complete registration; but in certain cases, he would not object to the transfer of certificates before application to Parliament. He would propose that all Companies formed for the construction of public works should enter into a complete registration. He proposed that in all cases the deed of incorporation of all companies of this kind should be completed antecedent to complete registration. He next proposed that no portion of public works should be allowed to be executed until they had first executed a complete registration of the company in accordance with the provisions which he now proposed to adopt. He proposed to class Railway Companies with Companies for the construction of canals and other public works of that nature, and which were generally classed as public works of "construction." Upon the whole, he did not anticipate any opposition on the part of those interested in Railway Companies to those propositions, which would be found, he thought, to operate to their benefit.

Mr. *Hodgson* said, that he would withdraw his Amendment for the present, and wait until he saw how the Bill would come from the Committee.

Clause agreed to.

Remaining Clauses, with amendments, agreed to. House resumed. Report received.

JOINT STOCK COMPANIES REMEDIES AT LAW.] House in Committee on the Joint Stock Companies Remedies at Law Bill.

The *Solicitor General*, in reply to a question, said, that the main object of the Bill was to apply the law of Bankruptcy to Joint-Stock Companies.

On Clause 8 being proposed,

Sir *W. Clay* objected to the Clause, as he thought that in the case of large Companies it might be very unnecessary, and inconvenient to call upon them to give security for claims within a month.

Mr. *Hawes* opposed the Clause, and alluded to the case of a Railway Company which had entered into a contract to the amount of 600,000*l.* for a bridge or tunnel. There was no doubt of the solvency of the Company, yet it might be most hard upon them to make them find security within a month. He suggested that the Clause should be postponed.

Mr. *Gladstone* said, that if the Clause was agreed to now, he would take care that the objections made by the hon. Members opposite should be taken into consideration before the Report, and some amendment made to prevent its inconvenient operation.

Clause agreed to. Remaining Clauses agreed to. House resumed.

THE NAVY.] Sir *C. Napier* begged to ask the hon. and gallant admiral opposite two questions of which he had given notice. The first was, whether it were true that the *Albion* of eighty-two guns had sailed with a reduced crew? and the second was, whether the Caledonia and *St. Vincent* had embarked 150 supernumary marines, instead of the same number of seamen?

Sir *G. Cockburn*, in reply to the first question, said, that the *Albion* had not sailed with a reduced crew; she had the full complement assigned to ships of her class, namely 750. With respect to the second question, it was quite true, that upon an occasion when it became necessary to send the ships to sea as soon as possible, the complement was filled up by adding 150 supernumary marines. The great object was to protect the lives and property of British subjects in Morocco; and it was a delightful thing to know that we had the means of providing for that object at a few hours' notice. He was glad to have the opportunity of informing the House of the fact, that though the order for preparing the guardship for foreign service was not received at Plymouth until between one and two o'clock in the day, she sailed the next morning. And with regard to the *St. Vincent*, the order was received at eight o'clock in the morning, and she sailed at six in the evening, in every way complete and fit to take her part as a British man-of-war either with friend or foe. The number of sailors on board when she sailed was sufficient to manœuvre her, and she was in every respect ready for active service.

Sir *C. Napier* asked, was he then to understand, that for the future, instead of having seamen on board our ships, we were to make up the required number with marines?

Sir *G. Cockburn*: Certainly not; but

in the case of an emergency like the present, when it was supposed that the lives of British subjects in Morocco were in danger, that was no unimportant alternative which enabled the Admiralty to dispatch a force to protect them at a few hours' notice, which otherwise could not be sent for months.

TENURE OF LAND (IRELAND).] Mr. *S. Crawford* wished to know whether there was any probability of any report being made at an early period by the Commissioners of Land Inquiry in Ireland, and if so, whether the House might expect that some measure of legislation, founded upon that report, would be brought forward during the ensuing Session of Parliament?

Sir *R. Peel* said, he believed the Commissioners had come to the conclusion, that it would not be advisable for them to make any partial report, consequently he did not expect that any report would be presented during the present Session. As to what legislation the Government might think it necessary to introduce, founded on the report of the Commission, he could not, of course, say, until the Government should have the report before them. At the same time he could assure the hon. Gentleman and the House, that the Government had appointed the Commission as the foundation for legislation, should it be necessary, and with a view to remove any defects which might be pointed out in the report.

BUSINESS OF THE HOUSE—COUNTING OUT.] Mr. *Borthwick* was anxious to call the attention of the House to the state of public business, more especially to the practice of counting out the House when, as in the case of the previous night, measures of importance were to be brought forward. He himself had had a question of great importance, which he was prevented from bringing forward by the House being counted out, while the hon. Member for Montrose was speaking. The practice of seizing every opportunity of counting the House when there were not forty Members present, was a most unfair and inconvenient one; and if every hon. Member were to avail himself of his right in that respect, on Government as well as other nights, there would scarcely be a single supply night during the Session in which the public business would not be retarded. He, and many others, had come down night after night to support the Government—he meant upon those measures of which they approved; and was it right, was it fair, that they should now be deprived of the only opportunity there was of urging on the consideration of the House matters in which their constituents and the country were interested? He hoped he should not be charged with any want of courtesy if he persevered, as he intended to do, in bringing forward his Motion on going into Committee of Supply.

Mr. *Cripps* did not think the hon. Member for Evesham had any right to complain in the present instance at least for he believed the House had been counted out when it was on the previous evening, partly to oblige the hon. Member himself. He had certainly heard the hon. Gentleman say to those who were near him "If you are going to count out the House, I hope you will do so while the hon. Member for Montrose is speaking, and not wait until I bring on my Motion." For his own part he had not felt any great desire to hear the speech of the hon. Member for Montrose, and therefore he had walked out of the House. The hon. Member for Evesham did the same, but when he saw there were not more than some twenty-eight Members present, came back, he (Mr. Cripps) supposed, to save his credit. He must deny that there were many occasions (as the hon. Gentleman had asserted), when the House might be counted out on Supply nights.

Mr. *Borthwick* must deny most distinctly that he had said anything, either in confidence or publicly, in reference to the counting out on the previous night, that could bear out the construction which the hon. Member who had just spoken had put upon his words.

Mr. Sergeant *Murphy* wished to know from the Speaker, whether it were not usual to ring the bell before counting the House, after the Motion for counting was made. He had certainly been under that impression, but he did not hear the bell on the previous evening. He was dining up stairs, when he was informed the House was about to be counted, and hurried down immediately with his napkin in his hand, in order to be present.

The *Speaker* said, the hon. and learned Member was correct as to the practice, and he (the Speaker) had inquired of the proper officer, when the House was counted yesterday, whether the bell had been rung, and was informed that it had.

Mr. *Hume* said, that when he rose to bring on his Motion on the previous night there were fifty-five Members present, for he had counted them; but though that number could be found to listen to a debate about dogs, when he rose to bring forward a measure in connection with the arts and the improvement of man, forty Members could not remain to attend to it. He had no complaint to make of the activity of those hon. Gentlemen opposite, who made a practice of counting the House out whenever an opportunity offered, but he thought he had a right to complain of his own friends, those who sat around him—of whom there were plenty present to have kept a House when he rose to speak, had they so pleased—for leaving their places, and thus enabling the hon. Gentlemen on the other side to succeed in their object.

Mr. *Brotherton* had inquired, and found that the bell had rung, at the counting of the House yesterday, as usual. When hon. Members were anxious for an adjournment it was impossible to prevent it.

Subject dropped.

Field Gardens.] Mr. *Cowper* moved the second reading of the Field Gardens Bill, the object of which, said the hon. Member, was to appropriate to poor persons plots of land for cultivation. If this measure were adopted, his conviction was, that it would tend to identify the owners of the soil with the occupiers of allotments; to increase the respect of the labouring classes for the rights of property; to turn their attention from politics to subjects the study of which would benefit themselves and society at large; and to render them more happy and contented than they now were. Under the allotment system, so far as it was at present in operation, the occupiers had to pay a very moderate rent, and many of them were enabled to obtain a profit of *5l.* a-year on a quarter of an acre of land. The advantages of the system were fully proved by the evidence given before the Committee last year. It might be asked why it was necessary to adopt any legislative measure on such a subject? He replied, that notwithstanding the general approbation given to the system by proprietors of land, it was in many cases extremely difficult to induce them to grant land for the purposes of allotments. In almost every quarter this difficulty existed. It might be attributable in some measure to indifference and want of energy on the part of the landed proprietors; but he believed it was attributable in a great degree to their being influenced by the opinions of their agents and bailiffs. The allotment system might certainly cause considerable inconvenience to the agents of landed proprietors, for it was as troublesome to them to collect the rent of a rood of land as to collect the rent of 500 acres. The difficulty of obtaining land was still greater in the manufacturing than in the agricultural districts. He understood that in the neighbourhood of Leeds certain proprietors had expressed their readiness to give up land for the purposes of allotment to responsible parties, who should undertake the management of the property, and the payment of the rent; but no person could be found willing to undertake those duties. In the midland counties several societies had been formed to promote the extension of the allotment system. One of those societies in Leicestershire, comprising 1,000 Members, resident in different parishes, had not yet been able to obtain a single acre of land. Before land could be thus purchased it would be necessary to establish an intermediate body between the landlords and occupiers of the land. He thought that the body which that Bill proposed to form would be qualified to take that position. The Bill would enact that parochial officers were to be employed for the purpose of letting out small portions of land to the poor. This system had been previously tried, and had been found to work successfully. Such a power by the late Act had been intrusted to the churchwardens and overseers of the parish, but it had not been exercised to any great extent. It was not to be supposed that the churchwardens, who were elected to fill this office for only one year, could effectually carry into operation the new duties imposed upon them. That office could not be given to the Poor Law guardians, for they already had too much to occupy their time. He proposed by this Bill to invest this power in the hands of a body, whom he should designate as the Field Garden Board. This board would not have the power of purchasing land, and a limit was placed on the quantity of land which it was to hold. The Bill provided for the election of the Field Garden Board, which was not to have compulsory, but merely discretionary powers. The board was to consist of four persons, two of whom were to be chosen by persons rated above 10*l.* a-year, and two by persons rated under 10*l.* a-year. The officiating clergyman was to be *ex officio* a Member of the board. The election was to be for three years, but the members of the board were qualified to be re-elected at the expiration of that period. The board would have the power of drawing upon the poor-rates for as much as would be necessary to defray the rent of the land; but they would at the same time be required to give good security for the repayment of that money. Should any of the occupiers of their Field Garden be in arrear for more than a month, they could by a process specified in the Bill be compelled to pay. Whenever any inclosure Act was passed, this board would have the right to demand a certain quantity of land for the purposes of this Bill, upon a valuation. The land was not to be given up absolutely. The rent was to be paid to parties whom the Commissioners might appoint. Such was briefly the provisions of the Bill. Hon. Members might say that he had taken a great deal of trouble unnecessarily, and that such a Bill ought to have been left in the hands of Her Majesty's Government: that the Government ought to be responsible for such a Bill. He could not see much weight in such an argument, particularly when they saw the Government was overwhelmed with Bills which they had no time to carry through the House, and when it was clearly out of their power to undertake the introduction of a measure of such importance. The right hon. Baronet, the Secretary for the Home Department, had so many Bills to manage in the House, that were this Allotment Bill transferred to him great risk would be incurred, for it should be recollected that it was the last straw that broke the camel's back. He thought that some measure should be introduced by the House this Session on this important subject; whether it was his own Bill or any other of the same tendency was not a matter of much consequence to him. The object of the Bill was to benefit the poorer classes. It would not be safe to leave this subject in the hands of the Government, for, judging from the legislative measures introduced this Session, they could entertain but little hope of any Bills emanating from Government which would have the effect of benefitting the class for whose interest he was then pleading. He was not aware of the Government having any Bill before the House which would, if passed, alleviate the distress of the poorer classes of the community. He considered the object of the Bill to be of great value and importance, particularly to those who were not represented in that House. If something were not done, the condition of the poor would become intolerable. Poverty was the main evil under which the working classes were labouring—that was the main cause of their distressed condition. This Bill would, he hoped, have the effect of mitigating that poverty. The hon. Member concluded by moving the second reading of the Field Gardens Bill.

Mr. *S. Crawford* rose to second the Motion. He said he gave his most cordial approval to the principle of this Bill. He was rejoiced that at last the attention of the House of Commons had been called to that most important Report made by a Committee of the House on the allotment system in 1839. That Report had been long a dead letter. What had they been doing since that Report was made? They had been passing Inclosure Bills, giving away that land which might have been made available for improving the condition of the poor; they had been giving away, he said, that land, without advancing the great objects which that Report recommended the House to adopt. The Report of that Committee recommended that no Allotment Bill should be passed which did not afford facilities for making small allotments of land to the poor. That recommendation was not attended to. The evidence adduced before that Committee proved that these small allotments were greatly conducive to the interest of the poor. But that did not depend upon the evidence alone, for many other authorities proved theoretically, as well as practically the advantage resulting from such a system of allotment. This system of allotment not only improved the condition of the poor, but reduced the amount of the rate to the poor. It also gave independent employment to the labouring men, when they could not otherwise obtain it. By it they were supplied with food, and the necessity of going into the poor-house was thereby removed. Independently of these advantages, spade labour increased the productiveness of land, and this would be effected by carrying out the allotment of land to the poor. It also improved the habits of the poor, established good order and promoted religious feeling. The poor-rate would also be greatly diminished by the adoption of this allotment of a small portion of land to the poor. It was said, that if they gave the poor their land it would prevent the working men from being hired. Such would not be the effects of the system. He had a man in his own service who cultivated more than an acre of land, and the crops were attended to by the labourer's two sons—the labourer was not taken one hour from his (Mr. S. Crawford's) employment. It was stated in evidence before the Allotment Committee, that the produce of an acre of land amounted to 20*l.* He did not wish to quote an extreme opinion, but he thought an acre of land, if well cultivated, would provide a family with a sufficient quantity of wholesome food—not animal food, but vegetable food. If the labourer had this small portion of land it would improve the rate of wages. When the labourer had no other resource he was obliged to submit quietly to any rate of wages which might be imposed upon him. It was important that the labouring man [should be instructed in the proper mode of cultivating land. In Ireland this system had not worked well on account of the cruel exactions made in the shape of rent; as well as from the circumstance of the persons occupying these small portions of land being unacquainted with the best mode of cultivating it. Half of the land in England was not in a state of cultivation; if the whole were cultivated food and employment would be provided for the whole of the population of this country. He highly approved of the general objects of the Bill. There were one or two clauses to which he objected. The first had reference to a provision for obtaining a portion of land for the use of the poor from the newly-enclosed land. That portion was limited to 1-20th of the whole enclosure. Why should it be limited to 1-20th? He was of opinion that less than an acre would be of very little use; still the poor, he knew, would be glad to accept even a smaller quantity. He believed, whether the Corn Laws were repealed or not, that there never could be continuous employment for all the working classes. He thought, therefore, that it was absolutely necessary that both the agricultural and the manufacturing labourers should to as great an extent as possible, be permitted the occupancy of land sufficient to save them from destitution. He therefore felt great pleasure in seconding the Motion.

Mr. *Ferrand* expressed his sincere thanks to the hon. Member for bringing forward this Bill, and also to express his thorough conviction that the working classes throughout the country owed him a deep debt of gratitude for the manner in which he had undertaken the subject. He (Mr. Ferrand) was extremely anxious that the Government should allow the Bill to become the law of the land. In his part of the country he had seen the allotment system carried out to some extent, and he knew that the working classes there were anxious to see it fully carried out.

Mr. *B. Escott* thanked the hon. Member for the introduction of this Bill. He felt convinced that the allotment system, if carried out under proper management, would be exceedingly beneficial to the poor; but at the same time he felt bound to say, that he should feel rather alarmed if it were a law, as was proposed by this Bill, to make letting land in allotments compulsory, which had hitherto been quite voluntary upon the part of the landowners. So far as the allotment system had worked beneficially up to the present time, it had done so without the intervention of Acts of Parliament. His opinion was that the allotment system had hitherto worked well, and that it was capable of great extension and improvement, and he for one should be glad to have an opportunity of seeing before passing the Bill whether much greater benefit might not arise from the voluntary extension of the allotment system, without the intervention of an Act of Parliament between landlord and tenant. He certainly could not sanction any legislative interference whatever with the relation of landlord and tenant.

Mr. *Hume* concurred with the hon. Member who had just addressed the House, that the system, if it were to be carried out, could only be so properly by the local proprietors. Though he greatly approved of the allotment system, which had been attended with the happiest effects in Germany and the Low Countries, yet he did very much doubt the propriety of allowing the Bill then under discussion to proceed.

Sir *J. Graham* trusted he should be pardoned if he did not occupy the attention of the House for any lengthened period—as it was not his intention to oppose the second reading of this Bill. He thought the House and the country were indebted to the hon. Member for the attention which he had bestowed upon this measure, and for the manner in which he had brought it forward, and he must add, that to the preamble of the Bill, which declared that small allotments of land were conducive to the comfort and well-being of the labouring classes in the rural districts, he was not disposed to suggest any doubt; but at the same time he did agree with the hon. Member for Winchester and the hon. Member for Montrose, that the success of the system must mainly depend upon the voluntary support and countenance given to it by the local proprietors. He doubted whether legislative interference might not be found to mar the success of the system. With all deference to the hon. Gentleman who seconded the Motion, and whose philanthropy was known to every one to be genuine, he must say that he was somewhat surprised at the expressions that fell from him. The hon. Gentleman's experience in this matter was chiefly confined to Ireland, and if he rightly understood the hon. Gentleman, he said that the occupation of a small portion of land, combined with spade industry, was certain to secure independence, happiness, and comfort to the peasantry, while in his (Sir J. Graham's) opinion the distress of Ireland was in a great measure to be attributed to the minute portions into which land was divided—those minute portions being for the most part cultivated by means of spade husbandry. His (Sir J. Graham's) comprehension of the value of small allotments of land was not that they should give full employment to the labourer, but that they should merely occupy his spare time; that they should be an assistance, supplying comforts, not constituting the sole means of subsistence of the labourers; that, as it appeared to him, was the real use of the allotment system, and he must say that he looked upon an acre of land as being too large a quantity. He did not wish to enter now into the details of the measure, but to them he should have several objections. The hon. Gentleman said there was a great unwillingness on the part of landlords to let their land, but it certainly appeared to him that the Bill afforded a perfect security to the landlord, because the poor-rate was made responsible for the rent. The 20th Clause of the Bill provided that the charge of the rent should be a burthen upon the poor-rate. He was afraid that the machinery of the Bill when they came to discuss it in detail would be found to require very material alteration. He entertained great doubt, for example, as to the constitution of the trusts for the management of the field gardens, and he was not quite satisfied as to the propriety of the 20th Clause, to which he had just referred, which might tend to destroy the harmony and good feeling existing in a parish. As he was not, however, going to oppose the second reading of the Bill, he did not feel disposed to enter at present into any very critical examination of it. But, though he could not concur in all the details of the Bill, yet he regarded it as a matter of great importance, and recollecting that it had been recommended by a Committee of that House, being fully conscious of the attention which those hon. Members who proposed the Bill had devoted to the subject, and not unmindful of the strong terms of approbation in which the hon. Gentleman who last addressed the House, had spoken of the measure, it would not be fit that he (Sir J. Graham) or his Colleagues, acting consistently with those principles which had always guided them with respect to the working classes, should oppose the second reading of the Bill.

Bill read a second time.

COURT OF ARCHES.] On the Order of the Day being read for the resumption of the adjourned debate on the second reading of the Arches Bill being resumed,

Mr. *R. Yorke* said, he felt bound to take the sense of the House against the Bill.

Sir *J. Graham* said, having already spoken, he was precluded from offering any observations.

Question again proposed that the Bill be now read a second time.

The House divided:—Ayes 17; Noes 30: Majority 13.

List of the AYES.

Berkeley, hon. Capt.
Crawford, W. S.
Duncombe, T.
Gibson, T. Milner
Hawes, B.
Hume, J.
Hutt, W.
Langston, J. H.
Mitchell, T. A.
Morrison, Gen.
Norreys, Sir D. J.
Palmerston, Visct.

Philips, M.
Scott, R.
Strutt, E.
Tancred, H. W.
Wawn, J. T.

TELLERS.
Elphinstone, H.
Christie, W. D.

List of the NOES.

Bentinck, Lord G.
Beresford, Major
Blackstone, W. S.
Borthwick, P.
Bowes, J.
Cripps, W.
Denison, E. B.
Eliot Lord
Escott, B.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, P.
Greene, T.
Gregory, W. H.
Knatchbull, rt. hn. Sir E.
Lincoln, Earl of
Lockhart, W.
Mc Neill, D.
Martin, C. W.
Neville, R.
Nicholl, rt. hon. J.
O'Brien, A. S.
Pringle, A.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Vane, Lord H.
Vivian, J. E.
Yorke, H. R.

TELLERS.
Young, J.
Lennox, Lord A.

Bill rejected.

ACTIONS FOR GAMING DISCONTINUANCE (No. 2).] The Order of the Day for the House to go into Committee on the Actions for Gaming Discontinuance Bill (No. 2) having been read,

Mr. *Christie* moved, pursuant to notice, that Charles Henry Russell might be heard by counsel at the Bar of the House against the Bill. The petitioner had a direct interest in the rejection of the Bill. During the suspension of the actions which had already taken place, Mr. Crockford, one of the defendants, and a material witness against the other defendants, had died, and in the actions which had abated by Mr. Crockford's death, the costs fell upon the petitioner. As a precedent in point he would refer to the case of Mr. Wright, who had been heard by counsel in 1814, against a Bill. It might be said that Mr. Wright was heard against a Bill to discontinue actions altogether, and that this was only a Bill to suspend actions. But this was only a difference of degree, and not of kind. A suspending Bill might injure the petitioner more than a discontinuing Bill: by loss of evidence during a suspension, the plaintiff might afterwards be nonplussed, and have to pay the costs on both sides; while if the actions were now discontinued altogether, he could at worst only lose his own costs.

The *Chancellor of the Exchequer* said, he had received information that the petitioner was not himself the party interested, and wished to know if the hon. Member could state if Mr. Russell had a direct personal interest, so as to entitle him to be heard by counsel at the Bar

Mr. *Christie* believed, that the petitioner was not the only party interested in the result. He was, however, the legal plaintiff, liable for the costs. The solicitor who brought the actions was in the lobby. He was the same person who had given the information that had come to the ears of the right hon. Gentleman, and might be examined with respect to the circumstances under which the actions were brought, and the interest of the plaintiff in them.

The *Chancellor of the Exchequer* intended no disrespect to the hon. Member by his question. The House would require, he thought, not only that the petitioner should state he had an interest, but that the hon. Member should assure the House the petitioner had an interest. It had been intimated that the party, on failure of the action, would not pay the costs, and that he was a person put forward by others, who were the real plaintiffs, in order to conceal their own names, and that the petitioner had no direct interest in the result. If that was the case, he would be out of Court. Even supposing, however, that he had a direct interest as stated by the hon. Member, there were sufficient reasons why, in the present stage of the proceedings, he should not be heard. In the case referred to by the hon. Member, a Bill was brought in to suspend the proceedings in the actions that had been commenced. Mr. Wright petitioned the House, stating the injury that he should sustain, but the Bill being for suspension only, Mr. Wright was not heard. On a second occasion, he believed a Bill for further suspending the proceedings was brought in, and then Mr. Wright was not heard, the House having proceeded upon the principle that the suspension of the proceedings did not determine the question whether the party was injuriously affected or not. But on the third occasion, when a Bill was brought in for the discontinuance of the actions altogether, Mr. Wright petitioned again, and then the House allowed counsel to be heard. So Mr. Wright was not heard upon the Bill for the suspension, but he was heard upon the measure for the entire discontinuance of the proceedings. He (the Chancellor of the Exchequer) thought that the House would do well to keep that distinction in mind, and not extend the precedent further. Then Mr. Wright stated circumstances of direct personal loss he had sustained. That gentleman was Secretary to certain bishops, and he stated that he was entitled to certain fees, amounting to some hundreds a year, of which he had been deprived by the violation of the statute he sought to enforce; thus showing that he had a direct legal right to certain emoluments, of which he was deprived by the violation of the law for which he had brought his actions. But, in this case, the sole right and title of Mr. Russell was, that he might obtain certain penalties to accrue from the prosecutions, if a certain legal construction should be put upon an Act of Parliament,—a point not yet decided by the Courts of Common Law, and upon which the greatest doubts existed. The case, then, stood upon a different footing from that of Mr. Wright, which was the only precedent which came near the present case, and it did not appear that there were sufficient grounds for hearing Mr. Russell at the Bar.

Mr. *T. Duncombe* said, that upon a former occasion he had observed that great injustice would be done if Mr. Russell was not heard by counsel at the Bar, but that was upon the understanding that the petitioner had a direct right and interest, which now appeared questionable. His hon. Friend behind him had stated he believed the petitioner had a direct interest, but it seemed that interest was placed upon the question of costs. Now, if it were a question of costs created by bringing these actions, that would not form a sufficient ground for the petitioner being heard by counsel. The House ought to be satisfied before hearing counsel, that the person had a direct interest; and if he had not, the petition ought not to be entertained for one instant. The petitioner might be called up and examined to ascertain the truth.

Viscount *Palmerston* said, that a communication had been made to him yesterday on the subject, with a view of ascertaining whether it were his intention to oppose the Motion of the hon. Member, and in reply he had stated that the case quoted did not appear analogous, and that his opinions were adverse, but he should not offer any opposition from himself. At the same time, however, if the matter was taken up by other Members and the House was divided, he must of course vote in accordance with his opinion. The objections he entertained were nearly the same as those of the right hon. Gentleman. The case of Mr. Wright was not exactly parallel, for he had been heard by counsel on the question of the total discontinuance, and not upon that of the suspension of the proceedings. Moreover, in Mr. Wright's case, the law was clear, while great doubts were entertained in the present one.

Mr. *Milner Gibson* suggested that the solicitor who was in attendance should be called in to be examined.

Mr. *Escott* wished to know whether the petitioner had any pecuniary interest in the matter. Did he look for penalties? According to his (Mr. Escott's) opinion, the petitioner could have no pecuniary interest, because it was proved before the Committee that the statute under which he brought the action did not apply to the case.

Mr. *Christie* asked the Speaker whether it would be in order for him to withdraw his own proposition, to admit of the Motion suggested by the hon. Member for Manchester (Mr. Gibson) being put.

The *Speaker* said, that the Amendment of the hon. Member (Mr. Christie) could not be withdrawn without the leave of the House. The usual mode of proceeding was to refer the petition of the party to a Committee, and then the Committee might inquire what interest the petitioner had, before the House allowed him to be heard by counsel.

The House divided on the question that the Petition be referred to the Committee on the Bill, and the Petitioner heard against the Bill by his counsel upon his Petition if he think fit—Ayes 14; Noes 30: Majority 16.

List of the AYES.

Berkely, hon. Capt.
Elphinstone, H.
Gibson, T. M.
Hawes, B.
Hume, J.
Mitcalf, H.
Mitchell, T. A.
Norreys, Sir D. J.
Philips, M.

Scott, R.
Strutt, E.
Tancred, H. W.
Thornely, T.
Wawn, J. T.

TELLERS.
Christie, W. D.
Duncombe, T.

List of the NOES.

Bentinck, Lord G.
Beresford, Major
Blackstone, W. S.

Borthwick P.
Cripps, W.
Denison, E. B.

Escott, B.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Gregory, W. H.
Hayter, W. G.
Hutt, W.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Lockhart, W.
McNeill, D.
Martin, C. W.
Neville, R.
Nicholl, rt. hn. J.
Palmerston, Visct.
Pringle, A.
Stanley, Lord
Sutton, hn. H. M.
Thesiger, Sir F.
Vane, Lord H.
Vivian, J. E.
Wallace, R.
Yorke, H. R.

TELLERS.

Young, J.
Lennox, Lord A.

[The following statement with reference to these lists appears in the Votes of the House of Commons; the numbers reported by the Tellers being Ayes 14, Noes 30, an objection was taken to the vote of Lord George Bentinck, Member for Lynn, on the ground that he is a Defendant in some of the Actions which are about to be suspended by the Bill:—Motion made and Question proposed, "That the vote of Lord George Bentinck be disallowed:"—Whereupon, Lord George Bentinck declared, that it was not his intention to take advantage of the provisions of the Bill, and plead the same in bar of such Actions:—Motion by leave, withdrawn.

An objection was taken to the vote of Mr. Gregory, Member for Dublin, on the ground that he is a Defendant in some of the Actions which are about to be suspended by the Bill;—Motion made, and Question proposed, "That the vote of Mr. Gregory be disallowed:—Whereupon Mr. Gregory stated, he has not been served with any process in any of the said actions:—Motion, by leave, withdrawn:—Whereupon, Mr. Speaker reported the numbers on the Division, Ayes 14, Noes 30].

On the Question, that the Speaker do now leave the Chair,

Mr. *Christie* moved that the House do in six months resolve itself into a Committee. He thought that the right hon. Gentleman the Chancellor of the Exchequer and the Government had acted not quite fairly in this matter. He was informed the day before yesterday, by the noble Lord the Member for Tiverton (Lord Palmerston), that that noble Lord would not offer any opposition to his Motion if the Government did not. Now, he (Mr. Christie) had understood from the hon. Baronet the Secretary to the Treasury, that the Government would not offer any opposition, and therefore, Mr. Russell at his (Mr. Christie's) suggestion, had gone to the expense of feeing counsel, and had given the learned counsel the trouble of being in attendance to be called in. The noble Lord had made use of an expression in reference to him which was certainly afterwards retracted, but not until the Speaker interfered. [The hon. Gentleman referred to Lord George Bentinck, and to something which that noble Lord had said during the exclusion of reporters from the gallery.] But, considering the evidence which the noble Lord himself had given when he was placed in the witness box, as to the sort of persons with whom he had been in the habit of associating; that he had betted with keepers of gaming-houses, whom he knew to be such, and when he recollected the very strong remarks of a learned Judge in another cause, the Judge having said that he had been filled with disgust at finding the noble Lord and others associating with blackguards, and that they deserved to be cheated, and he felt no regret for them—he certainly was very much surprised at the noble Lords taunting him with his accomplices and associates. He knew nothing of Mr. Russell before he came to him, asking to present his Petition; and whatever Mr. Russell might be, he thought his Petition a just one, and had agreed to present it. The whole proceedings of the House about the Bill had been most unfair. When he considered that the right hon. Gentleman the Chancellor of the Exchequer and the Government had not acted with good faith towards him, he should certainly avail himself of all the forms of the House, as long as he could find two Members to back him, to obstruct the further progress of this Bill. He had never been factious in that House, and would be unwilling to be factious for the first time against the noble Lord the Member for Tiverton; but under the circumstances he felt himself justified in throwing every difficulty in the way of the Bill.

The *Chancellor of the Exchequer* said, it was certainly open to the hon. Gentleman to pursue what course he pleased; but he could not permit the hon. Gentleman to be under the delusion, or the House to be under the impression, that the course which he had pursued was in the least unfair, unkind, or inconsiderate towards the hon. Gentleman himself. The hon. Gentleman did not appear to be aware that in presenting a petition from one individual, and asking the House to act upon that Petition in confidence of the truth of the facts stated in the Petition he was responsible to the House for the accuracy of the statements contained in the Petition upon which he asked the House to institute proceedings. If, then, he had heard it rumoured that the Gentleman whose Petition it was had no interest in the case, as stated in the Petition, he thought he was doing no more than his duty in apprizing the hon. Gentleman that such a rumour had existed, and therefore giving the hon. Gentleman an opportunity to withdraw the Petition, and not incur the Parliamentary offence of inducing the House to institute an inquiry upon a statement for which there was no foundation. He would put it to any Member of the House, who knew the forms of the House, whether in the exercise of his duty there had been anything in the least degree unfair in his conduct.

Viscount *Palmerston* regretted that a degree of warmth should have introduced itself into this debate on both sides, which did not seem naturally to belong to the subject itself. He hoped that that warmth might be allowed to evaporate, and that the House would be permitted to discuss the question on its own proper merits. His hon. Friend (Mr. Christie) had complained of the course which he had taken on this occasion; but really he must be allowed to defend himself against that complaint, for he did not think it was just. He stated to his hon. Friend the objections he felt against a Motion for counsel being heard, and he pointed out to his hon. Friend the distinction between the case on which he founded his Motion and the present case; but he then said that if these objections were not entertained by other parties, he would not himself press them. This was not a mere personal question, but one materially affecting precedents, and, in that view, of much importance; the House ought to be careful how it established a precedent respecting the hearing of counsel for or against a Bill. He hoped that his hon. and learned Friend would not see sufficient ground for adopting the extreme, not to call it factious, course to which he had referred in his Speech, especially as he understood that his hon. Friend did not in principle object to the Bill.

Mr. *Milner Gibson* observed that Government had allowed his hon. and learned Friend (Mr. Christie) to believe on one day that it would not oppose the hearing of counsel at the Bar, and on the next had resisted a Motion to that effect. Counsel had been instructed, and had come down in expectation of being permitted to address the House, and were now to be prevented from doing so. The fact was, that regarding this measure Ministers had from the first pursued a timid and shilly-shally course unworthy of a strong Government; and as if they wished the Bill to pass, and yet were ashamed of standing forward until they saw some indication of public opinion in its favour. This very timidity had led many to form the opinion that there was something wrong in principle; but, out of the House, he had never heard but one opinion, viz., that hard as the case was against the parties involved, the stopping of the actions was an act of gross class-legislation, which never would have been attempted if the parties had been in an humbler and less influential situation in life. He was opposed to the laws imposing penalties on betting and gambling generally; but that was a different question to whether a Bill ought to be passed for the purpose of screening particular individuals. He complained that Ministers had adopted no decided part on his subject, when they ought rather to have taken upon themselves the responsibility of the measure.

Lord *Stanley* could not see that this was a Bill which peculiarly fell within the province of Government; on the contrary, if they had undertaken it, and had neglected any of the large measures which they had introduced, it might indeed have been fairly urged against them, that they had misapplied their time to class-legislation. All that Government had stated in the first instance was, that the Members of it did not care whether counsel were or were not heard at the Bar; but when they found that there was an objection to this course upon principle, upon principle they had resisted it. The objection was, that the plaintiff in the actions had no direct personal and pecuniary interest in the fate of the Bill, and that objection, in his opinion, ought to prevail. He appealed to the hon. and learned Gentleman (Mr. Christie), whether he did not believe and know that the plaintiff was only a man of straw, put forward in order to keep the real party to the actions in the back ground—that he had sustained no damage, and had not advanced a shilling toward the costs, nor would be liable for any unless the result of the suit were unfavourable. Did not the hon. and learned Gentleman believe that such was the fact? [Mr. *Christie:* I have already stated that I do not believe all that.] He put it to the hon. and learned Gentleman whether he would get up in his place and say that he believed the plaintiff had any other or different interest to that which he had stated?

Mr. *Vernon Smith* admitted, that he had entered the House only while the hon. Member for Manchester (Mr. M. Gibson) was speaking and charging Ministers with shilly-shally conduct in respect to this measure. In that accusation he fully concurred. It was one question whether *qui tam* actions ought to be allowed, and another whether the Bill now under consideration ought to be passed in order to continue for a-year an Act passed earlier in the Session. He should be disposed to say that it ought to be continued; but he agreed with the hon. Member for Manchester, that the recent Indemnity Bill would never have been introduced at all, if it had not affected persons in high and conspicuous situations, connected with Members of the Legislature. It was remarkable that the Select Committee on Gambling had not said one word on the subject of horse-racing, and yet only a few days after they had made their Report, one of the grossest cases of fraud in horse-racing had been brought to light, so gross that the Judge who presided in his charge had expressed his astonishment that Gentlemen consented to associate with the characters concerned in it.

Sir *J. Graham* admitted the talents of the hon. Member who had just taken his seat, as a debater, and regretted that he did not always do himself justice; for instance, having no doubt been more agreeably employed, and not having been present during the discussion, he had ventured to speak, and therefore adverted to topics already introduced by other Members. On this account he had noticed again the Judge's charge, a dish that had been previously served up with *sauce piquante* by the hon. Member for Weymouth. As to the supposed shilly-shally conduct of Ministers, there was not the least ground for such an accusation. When appealed to, he had expressly and distinctly stated, that able as was the Report of the Committee on gambling, Government could not be prepared in the present Session to bring forward any measure to carry its recommendations into effect. In the same way, when asked if Ministers would introduce a continuance of the Action Suspension Bill, he had replied at once that they could not. In short, nothing could be more clear and definite than his declarations upon the subject, so that there was not the slightest foundation for the charge that Ministers had pursued an undecided course. He was prepared to support the further progress of the Bill now under consideration, and thought that it would establish a dangerous precedent if the House consented to hear counsel for a party who had no direct interest in a measure.

Captain *Berkeley* said, that let the insinuations against him, in that House, or out of it, be what they might, he should not be deterred from doing what he considered his duty towards his constituents and his country. He feared no comparisons, and was confident that his character would stand any test to which it might be submitted. He had opposed the Bill originally, and when, because he had been connected with the turf, it had been sent down to him by, he believed, the secretary to the Jockey Club, he had replied that he would be no party to the relief of persons from penalties they had, under such circumstances, incurred. He had been one of the Members on the Committee, who would have saved the House from some difficulty by calling certain parties as witnesses; but he and others of the same opinion were over-ruled; consequently no information had been obtained as to the motives which had led to the commencement of the actions. He owned that he felt considerable reluctance that such heavy penalties should fall into such hands; but the noble Lord opposite had met the matter gallantly, and had said, "recover your penalties, and I will not screen myself by the Bill of Indemnity." Notwithstanding the dirty work connected with it and arising out of it, he believed horse-racing to be essential to our breed of horses, and thus a great national good; but the excess of gambling on the turf had brought it into disrepute, and been the cause of the villanous transactions recently brought to light. As long as this system continued, he would not lend his vote to relieve persons from their liabilities.

Sir *G. Clerk* said, in reference to the precedent in Wright's case, he had consulted the right hon. Baronet at the head of the Government, who had said that he should take no part in the question whether counsel should be heard. Subsequently it appeared that Wright's case did not justify the course contemplated by the hon. and learned Gentleman, and then it was determined to resist it on the ground that it would establish a bad precedent.

Mr. *Christie* explained that the hon. Baronet (Sir G. Clerk) had told him that the right hon. Baronet at the head of the Government "did not care a fig" whether counsel were heard or not, and that the Government would make no opposition, if the noble Lord (Lord Palmerston) made none; and the noble Lord had said he would make none, if the Government made none.

Colonel *Peel* begged to be allowed to say a few words on a personal matter. The hon. Members for Weymouth and Northampton had adverted to an expression made use of by the learned Judge on a recent trial, when he stated the regret he felt that Gentlemen would associate with such parties. He had never, in any sense of the word, associated with the plaintiff, and had never seen him until he had addressed him in court. He could no more prevent such persons from coming upon a race-course or into a betting stand, than he could prevent their walking into Westminster Hall. Because the noble Lord (Lord G. Bentinck) had exerted himself with equal ability and success, he had brought down upon himself the consequences now threatened. As a Member of the Committee, he had objected to the calling of such persons, because the opposite parties were excluded by the indemnity, and could not be heard. The main object of the hon. Member for Manchester, in the Committee, seemed to be to obtain evidence to support the *qui tam* actions; and when he perceived it, he objected to it, and was still of opinion that he was right. The Committee and the country were much indebted to the noble Lord (Viscount Palmerston) for the able manner in which he had presided over its deliberations.

Mr. *M. Gibson* wished to say a few words on the charge that in the Committee he had conducted himself in an unfair manner. He most distinctly denied that he had examined any witnesses with reference to the pending actions; and when it was pointed out to him that a question he had put might affect them, he was most anxious that it should be expunged. His object had been to elicit the truth as to the practices on the turf, and as he knew that plenty of evidence could be procured of the fairness of the proceedings regarding horse-racing, he did not wish the Committee to separate, leaving an impression on the public mind that the affairs of the turf were always conducted with the purest virtue and the strictest integrity. He avowed that he felt it his duty to receive information from Mr. Russell, and to put such questions as might elicit the truth—not making assertions on his own authority, but putting questions for the public interest; and he would say further, that if he felt it necessary, in the due discharge of a public duty, and to bring out the truth in a public investigation, he would see Mr. Russell every day and every hour of the day. It would have been quite competent for any Member of the Committee to have objected to any question he had put.

Lord *George Bentinck* said, it was most singularly unfortunate for the hon. Member for Manchester that he should have directed his attention and the evidence to one particular bet, if it had nothing to do with the object of the plaintiff in the action. The true state of the case was, that thirty-four writs had been issued, but declarations had only been delivered against two individuals. One of them was named Hill, and the declaration against him claimed penalties of 12,000*l.* in consideration of a bet of 20,000*l.* to 3,000*l.* on a late Derby, alleged by the plaintiff to have been laid against a horse belonging to himself called Gaper. The hon. Member for Manchester said, that he had not been instructed to put particular questions with a view to this action, but he would not deny that the solicitor of the plaintiff had paid him constant visits at his house, and suggested the questions which should be put to the different witnesses. The hon. Member for Manchester had repeatedly in the Committee—[an hon. Member near him said, "three times"]—put the question to a witness whether he did not know of an individual bet of 3,000*l.* lost upon the occasion of a late Derby; and could any one have believed, if it had not been stated by an hon. Member of that House, and therefore they were obliged to believe it, that the object of putting the question was, not directly for the prosecution against the individual, of whom he had spoken? He thought, therefore, that there was some ground for stating that the hon. Member for Manchester, had sought to make the Committee for which he had moved, an instrument for the person who had brought these *qui tam* actions. He would leave the House and the country to judge whether the effect of those questions was not to forward the views of the plaintiff? He would not stop to notice the observations of the hon. and learned Member for Weymouth with respect to what had taken place in the Court of Exchequer. He was quite content to leave his character before the public with respect to anything he had done himself, or had been said or done in the Court of Exchequer. But it had been urged by the hon. Members for Manchester and Weymouth, that this was class legislation, and that the Bill would not be allowed to pass if it did not affect noble Lords and supporters of the Government; whereas, he believed that if the *qui tam* actions had not affected persons of high station, this Bill would have met with no objection. The ground on which he stated this was, that he had searched for precedents, and he found that there were no less than twenty-three precedents of cases in which actions of this description were suspended or discontinued; but they generally affected persons in a more humble degree of life, and in no one instance had there been a division in the House against them. It might be said that the clergy were persons connected with influential parties; but Bills had been introduced to protect manufacturers of turpentine, the boilers of pitch and tar, the proprietors, publishers, and printers of newspapers, the woollen manufacturers, the poor players, the coal fitters, and the Joint Stock Companies, which had incurred penalties. He, therefore, thought it hard to arraign that House and the other House of Parliament of class legislation, because it suspended actions of a frivolous kind. [The noble Lord made some further observations reflecting on the character of an individual, which we omit.]

Mr. *Hume* thought it was the duty of his hon. Friend (Mr. Milner Gibson) to receive information for the purpose of eliciting the truth. If he had been in the place of his hon. Friend he would have done the same. He would have asked those for information who could have answered the questions and elicited the truth, and this he believed, would have been doing his duty. The noble Lord had stated, that there were a number of precedents, but he had always opposed those precedents, but he was always answered by the statement that they were solitary instances, and that no individual would be injured. He should vote with his hon. Friend, and would not say he was not warranted in the course he had taken after the treatment he had received, and in consequence of the unfair manner in which he had been attacked. A more unjust proceeding he had never known. The noble Lord said, that this was not class legislation; there was no one out of that House who thought with the noble Lord, and he believed that if the parties had not been highly connected, the Bill never would have been proposed. The country looked with alarm at the Legislature laying aside every rule, and refusing to allow individuals to continue actions which Acts of Parliament had authorized them to bring.

Mr. *B. Escott*, as a Member of the Committee, who had watched the conduct of the hon. Member for Manchester, felt bound, from a strong sense of duty, to say that he thought his conduct had been marked with extreme fairness throughout the whole proceedings. In the questions which he put the hon. Member for Manchester seemed actuated only by a desire to elicit the truth, and as he (Mr. B. Escott) had desired only to know the truth, he would say that he would not have been so able to decide if it had not been for the questions asked by the hon. Gentleman.

Mr. *W. G. Hayter* had not seen anything unfair in any question which had been put. With regard to the particular question which had been put two or three times, it certainly appeared to have a direct bearing on the actions which were pending; but as soon as it was pointed out to the hon. Member that the question had this bearing, the hon. Member at once withdrew the question. The Statute Book was full of penalties, which were never enforced, and ought not to remain.

Mr. *T. S. Duncombe*, when the original

Bill was before the House, had regretted that it had not been introduced in the shape of a personal Bill, because then the parties interested might have been heard against it. It was all nonsense to call this a public Bill, for it only affected particular parties. He also regretted that the individual who alleged his interest was affected by the Bill, had not been allowed to show that he had an interest entitling him to be heard against it. In the absence of positive information, he must be guided by the best evidence he could obtain; and as far as the evidence had gone, he believed that the action had been brought for a vexatious purpose. On that ground he had originally voted for the suspension, and should do so now. If, therefore, his hon. and learned Friend opposed the Motion, he must vote against him; for he did not think this such an extreme case as would justify the course proposed.

Captain *Pechell* regretted that the noble Lord had been betrayed into expressions discourteous to the hon. Member for Manchester and the hon. Member for Weymouth, for he thought that, on cooler reflection, he would not allude to those associations, which, however proper on the turf, were not usual in that House. The noble Lord had alluded to the Act which he (Captain Pechell) had brought in in the year 1835, for relieving printers and publishers from certain penalties, but he considered this to be a widely different case. There the parties acting in ignorance of the law had had advantage taken of them for a trifling omission in not inserting their place of residence at the end of their papers, and it would have been injustice to have allowed informers on such a plea to levy thousands upon thousands in penalties. This case was very different. When he saw this observation so properly delivered by Mr. Baron Alderson at a late trial, that "if gentlemen will bet with blackguards they must expect to be cheated," he thought they would do a monstrous deal of good in the country—they would reform the turf. It was in consequence of such proceedings that the turf had brought down upon it general indignation; the whole thing wanted reforming, and he wished that the law should take its course.

The House divided on the question that the words proposed to be left out stand part of the question—Ayes 45; Noes 9; Majority 36.

List of the Ayes.

Arkwright, G.
Armstrong, Sir A.
Bentinck, Lord G.
Beresford, Major
Blackstone, W. S.
Boldero, H. G.
Bramston, T. W.
Carnegie, hon. Capt.
Christopher, R. A.
Clerk, Sir G.
Cripps, W.
Duncombe, T.
Escott, B.
Forbes, W.
Fuller, A. E.
Gladstone, Capt.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Greenall, P.
Greene, T.
Gregory, W. H.
Hayter, W. G.
Henley, J. W.
Hutt, W.
Jermyn, Earl
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Lockhart, W.
M'Neill, D.
Manners, Lord C. S.
Martin, C. W.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Northland, Visct.
Palmerston, Visct.
Peel, J.
Pringle, A.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Vane, Lord H.
Verner, Col.
Vivian, J. E.
Yorke, H. R.

TELLERS.

Lennox, Lord A.
Young, J.

List of the Noes.

Berkeley, hon. Capt.
Collett, J.
Elphinstone, H.
Hume, J.
Mitchell, T. A.
Morison, Gen.
Pechell, Capt.
Tancred, H. W.
Wawn, J. T.

TELLERS.

Christie, W. D.
Gibson, T. M.

On the main question being again put,

Mr. *Christie* said, that he would avail himself of the opportunity which was then afforded him of entering into an explanation as to the statements made by the noble Lord opposite. He had made all the inquiries which he had been able to make on this subject, and he did not think that he was liable to the charge made by the noble Lord, that he had neglected to obtain the necessary information. The plaintiff (Russell) had not been called before the Committee of that House; but it might hereafter turn out that he had been called before a Committee in another place since the presentation of his petition, and had stated very extraordinary facts as to his intercourse with an hon. Member of that House. The evidence taken before the Committee elsewhere had not yet been published, and, therefore, he would not further allude to it; but he thought it would appear that the opinion he had already formed of the undue haste with which the Bill had been brought forward and carried on, was a correct one. It had been stated, and truly, that he did not object to the principle of the Bill, and he thought that the actions had been brought from unworthy motives, and the Legislature might fairly interfere to prevent them; but still he could not consent to any injustice being done to the plaintiff in the action which had been alluded to; and if the noble Lord would consent to the payment of the costs to the plaintiff, he would not offer any further opposition to the Bill. The Legislature had called common informers into action, and however contemptible they might be, it ought not to refuse to make use of them, and thus not only to reject, but injure them. Holding these opinions, however, he would not offer any factious opposition to the Bill.

Bill went through a Committee. House resumed.

SUDBURY DISFRANCHISEMENT BILL.] The *Solicitor General* moved that the House resolve itself into Committee on this Bill.

Mr. *Blackstone* rose to move—

"That it be an instruction to the Committee on the Bill that they have power to extend the right of voting for the future Election of Members to serve in Parliament for the Borough of Sudbury to all persons residing within the hundred of Baberg, within the county of Suffolk, and the hamlet of Balingdon cum Brundon, in the county of Essex having the qualification required as electors for Cities and Boroughs under the Act of 2 Will. IV., c. 45; and to make provision that the following persons, viz., Peter Alston, James Berry, Thomas Brown, William Barnard, William Cross, Joseph Cook, George Dawson, Thomas Erith, James Johnson, Charles King, Thomas Making, George Parsonson, William Rolfe, Richard Steed, William Tolliday, and Joseph Wheeler, being guilty of receiving bribes at the last Election; and Joseph Barker, Samuel Berry, Willam Cook, Thomas Ginn, Thomas Goody, Golding Herbert, Samuel Hale, James Herbert, John Jones, and William Warner, being concerned in the distribution of money among the voters before or during the Election, be hereafter disqualified from voting at any Election for Members to serve in Parliament for the borough of Sudbury."

He objected to the Bill being proceeded with at that late period of the Session, and above all as he did not believe that such measures would have the effect of suppressing bribery. Much as he detested the system pursued in Sudbury, he must express his fear that such steps as these would be far from effectual to suppress the practices complained of. The case of Sudbury was not near so bad as that of Harwich, where at the last election, 8,500*l.* was spent between 182 electors. In the case of Nottingham it had been reported by a Committee of the House that 12,000*l.* was spent by Sir John Cam Hobhouse and Sir G. Larpent, and between 4,000*l.* and 5,000*l.* by the opposing candidates. Lewes was nearly as bad an instance; 7,000*l.* was spent there by one of the parties, and the constituency was only about 800. Again, in the case of Reading, a borough with 1,500 electors, 1,200*l.* was spent by Mr. Russell himself, 3,000*l.* by his attorney, and Lord Chelsea said that he estimated his expenses at somewhere about 2,000*l.* Penryn, again, received 4,000*l.* from Captains Vivian and Plumridge and a like amount from their opponents. When such cases as these were before them, with what justice could they apply a rule in one instance which they did not attempt to apply in the others? In his view of the case they ought never to attempt to disfranchise a constituency the majority of which was not proved to be corrupt. There was no such proof in the Sudbury case, and he believed that that case was susceptible of no such proof. He should propose, therefore, as an amendment to this Bill, not to disfranchise an entire constituency for the faults of a few individuals, but to follow a precedent which had been set in the case of Shoreham and East Retford before the Reform Act, and which had been extensively followed in schedule B of the Reform Act itself. The hon. Member concluded by moving his amendment.

Captain *Beresford* would act the part of Seconder on this occasion, not because he agreed with the Amendment, but in order to have an opportunity of defending a much aspersed body—he meant the electors of Harwich. The hon. Member for Wallingford had treated them with a new abridgement of the report of Mr. Roebuck's Committee. What it had to do with the present subject he did not know, but as far as it concerned Harwich, he must aver that Mr. Roebuck and his coadjutors had arrived at all their conclusions upon mere hearsay evidence, for the most part not worth a straw, and he was there boldly to assert that there did not exist in England a purer or more immaculate constituency than that which he had the honour to represent. He declared it to be so. He had never bribed himself; he knew of no one having been bribed, and he believed his constituents were and always would be ready to do their duty, without participating in any sort of bribery or corruption.

Mr. *B. Cochrane* supported the Amendment. It had been stated, that at a recent contest at Nottingham the sum of 12,000*l.* was expended. He thought it had been proved, that in that town, where there were 8,000 electors, not more than 250*l.* had been expended at the election alluded to; and on proof of that fact Mr. Walter was unseated. He considered that was a monstrous case. What would be the consequence of that decision? It would be this—that all future elections for the borough of Nottingham must be fought before Committees of the House of Commons. He believed there was not a single Member of that House who might not be declared "unduly elected" on the same grounds on which Mr. Walter was deprived of his seat for Nottingham.

The *Solicitor General* said, the House had already affirmed the principle of this Bill by assenting to its second reading, after the explanation he had given yesterday. The question as to the disposal of the representation rendered vacant by the disfranchisement of Sudbury must be determined by the House hereafter. He had considered it advisable to disembarrass this measure which related solely to the disfranchisement of Sudbury, of any question as to the disposal of the representation. He thought that any hon. Gentleman who had read the evidence reported to the House must have been astonished at the courage of his hon. Friend the Member for Wallingford (Mr. Blackstone), who had stated that there was no proof that a majority of the constituency of Sudbury had been bribed at the last election. He would undertake to say that any hon. Member who went through the evidence — the collection of which had been most difficult, the Committee having been baffled by the refusal of witnesses to answer questions—must be satisfied there was most conclusive proof that at the last election a large majority of the constituency of Sudbury was bribed. The object of the Committee was to ascertain the real nature of the proceedings in that borough; and he would undertake to say that there was, in their report, an ample body of evidence to justify the present measure. He begged to call the attention of the House to the unreasonableness of his hon. and learned Friend's proposition. His hon. and learned Friend said, "He admitted there might be 200 or 220, or a larger portion of the constituency of Sudbury, who had been bribed." And his hon. and learned Friend proposed to disfranchise about 32 persons by name, and to leave at least 200 other persons—who he admitted, from the evidence given before the Committee, must have been bribed—in the possession of the franchise. What! were the parties who had thus abused the franchise entitled to its exercise? He would undertake to say, that any one who read the evidence taken by the Committee, must be satisfied that a majority of the constituency of Sudbury was tainted with corruption; and he, therefore, hoped the House would allow this measure to proceed.

Mr. *Blackstone* said, notwithstanding the observations of his hon. and learned Friend, he could scarcely believe that there was not a pure voter in Sudbury.

The House divided on the question that the instructions be given:—Ayes 1; Noes 37: Majority 36.

List of the Ayes.

Beresford, Major

TELLERS.
Blackstone, W. S.
Cochrane,

List of the Noes.

Bentinck, Lord G.
Boldero, H. G.
Bowes, J.
Bramston, T. W.
Christie, W. D.
Christopher, R. A.
Clerk, Sir G.
Cripps, W.
Duncannon, Visct.
Fuller, A. E.
Gibson, T. M.
Gladstone, rt.hn.W.E.
Goulburn,rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, P.
Greene, T.
Hume, J.
Hutt, W.
Jermyn, Earl
Knatchbull,rt.hn.SirE
Lincoln, Earl of
Lockhart, W.
M'Neill, D.
Marsham, Visct.
Martin, C. W.
Mftcalfe, H.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Palmerston, Visct.
Peel, J.
Pringle, A.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Verner, Col.
Wawn, J. T.
Yorke, H. R.

TELLER.
Young, J.
Lennox, Lord

Bill went through Committee.

House resumed, and adjourned at a quarter before twelve o'clock.

HOUSE OF LORDS,

Thursday, July 11, 1844.

Minutes.] *Sat first.* — Earl of Lonsdale, after the death of his Father.

BILLS. *Public.* — 1ª· Colonial Postage; Aliens; Three-and-a-Half per Cents. Exemption; Vagrants Removal.
2ª· Militia Ballots Suspension; Stock in Trade; Charitable Loan Societies (Ireland); Turnpike Acts Continuance (Ireland).
Reported.—County Rates, etc.
Private.—1ª· Middle Level Drainage and Navigation.
2ª· Market Harborough and Coventry Road; Monkland Railways (Wishaw and Coltness Railway) Bill.
Reported.—Ladbroke's Estate; Wells Harbour and Quay; Swansea Improvement; Kingston-upon-Hull Docks; Devagne's Estate.
3ª· and passed: — Ashton, Staleybridge, and Liverpool Junction Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway (Ashton-under-Lyne and Staleybridge Branch) Bill.

PETITIONS PRESENTED. From Gateshead, for Repeal of the Law which sanctions the Opening of Private Letters at the Post Office. — By Lords Campbell, Ashburton, Beaumont, and Wharncliffe, from Plymouth, and several other places, in favour of the Dissenters Chapels Bill.— By Earls Radnor, Fitzhardinge, Powis, Brownlow, Galloway, and Mountcashell, and Lords Campbell, and Hatherton, from Enniskillen, and a great number of other places, against the Dissenters Chapels Bill.

THE ST. ASAPH AND BANGOR DIOCESES BILL.] The Earl of *Powis* in moving that the Order of the Day for the resumption of the debate be now read, said, he would avail himself of this opportunity to state to their Lordships that it was his intention to withdraw the Bill for repealing the union of the Sees of St. Asaph and Bangor. Although an unusual course to take under ordinary circumstances with respect to a Bill which had received the sanction of their Lordships by their assent to its second reading, he thought in the present instance he was justified in taking this course, seeing the extraordinary situation in which he found himself placed in consequence of the Report of the Committee which, on the day he last addressed their Lordships had been appointed to search for precedents; and of the statement made since by the noble Duke (the Duke of Wellington), that it was not the intention of the Government to advise the Crown to give its assent to the progress of the measure. It had been his duty to consider what course of proceeding would be most beneficial to the cause entrusted to his care, and most likely hereafter to secure the object he had in view. There were three courses open to him— either to withdraw the Bill or, notwithstanding the Report of the Select Committee to press it forward to its third reading, and be victorious in their Lordships' House, or to be beaten there upon the third reading — with the knowledge that in either of the two last alternatives, he would be ultimately foiled by the interposition of the prerogative. It must further be borne in mind that, whichever course he pursued, and whatever might be their Lordships' decision, there was no doubt, after what had passed in the other House of Parliament, what would be the fate of the Bill if it got there. On the other hand, he had to consider that he possessed the vantage-ground of a decision of their Lordships in favour of the Bill, which would have been tantamount to its being passed, if it had not been discovered that the technical approbation of the Crown was usual with similar Bills. He had come to the conclusion that it would be unwise, knowing as he did that differences of opinion existed amongst those of their Lordships, who had honoured this measure with their support, upon the manner in which the question respecting the prerogative should be dealt with, to press for a further decision on the part of their Lordships; he felt this the more, especially as he was satisfied the question could not remain in its present state. There must be a further discussion upon it in the next Session of Parliament in which he would have the advantage of their Lordships' decision in favour of the Bill, and of there having been only thirty seven peers opposed to the measure. He considered the course which he proposed to take as the most desirable, and he trusted that those who had confided to him the advocacy of their cause, would consider it the right one. He the more expected such would be the case, as his decision had been taken with the approbation of those noble and right rev. Lords who had favoured him with their advice in the progress of the measure. There was also another consideration which he deemed of great importance. He was informed that there was no precedent, since the accession of the House of Hanover, of a notification that the prerogative would be exercised to check a Parliamentary proceeding, sanctioned by their Lordships' approbation, upon a subject which had been originally recommended to Parliament for its consideration It would have been open to him (Lord Powis) to have asked the House to allow this question to be referred to a Select Committee, but looking to the advanced state of the Session, and the probability there was that if this difficulty were got over, and a measure introduced in consequence, it would be lost in the lower House, he had thought it better to take that course which was at once the most respectful to their Lordships, and at the same time by leaving this unusual, as he must call it, exercise of the prerogative in such a prominent point of view —the most likely to secure the ultimate success of his object. He would only add that this course was strictly in unison with all the proceedings on the Bill; he (Lord Powis) had endeavoured to avoid all topics that could raise party spirit or excite feelings of temper; he had endeavoured to conciliate all those who were anxious to promote the religious institutions of the country, let the difference of opinions on other subjects be what they might. The noble Lord then said, that before he concluded he must beg leave to notice what had fallen from a noble Baron opposite, who had affirmed that the people of North Wales were indifferent about the Union of the Sees of St. Asaph and Bangor and that bishops and deans and other dignitaries of the Church had been the promoters of the petitions for the Bill. This affirmation had produced considerable feeling in North Wales, and had been the cause of his having received a letter from Mr. Chapman the Mayor of Ruthin, desiring him to correct any impression which the noble Baron's statement had made, as respected that neighbourhood, or those amongst their Lordships who might be ignorant of the feeling of the Principality; he begged further to add, that this feeling of anxiety for the separation of the two bishoprics was not limited to North Wales, since he had received from the Chairman of the Quarter Sessions held for the County of Brecon, the following resolution, voted on the 1st day of the present month :

> "Resolved, that the thanks of this Court be given to the right hon. the Earl of Powis and the right reverend the Lord Bishop of Saint David's for their able and manly support and advocacy in Parliament of the continuance as separate bishoprics of the dioceses of Bangor and St. Asaph and of the existing Church Establishment of Wales, by which they have evinced their sincere regard for the national feelings and best interests of an ancient, religious, and loyal people."

This indicated that the feelings of South Wales were equally alive to the injury the Church Establishment would receive by perseverance in carrying into effect this universally obnoxious measure.

The Bishop of *Salisbury* said, that the unfair position in which the course of the debate had placed the supporters of the Bill, must be his excuse for addressing a few observations to their Lordships. He would beg to remind their Lordships, that after the noble Earl had moved the third reading of the Bill, the House was addressed in succession first by the noble Duke, and then by the two noble Lords opposite, each of whom advanced a variety of arguments against the Bill, in addition to that point touching the Prerogative of the Crown, in consequence of which the noble Earl had resolved, and in his opinion very wisely resolved, to press his Motion further on the present occasion. It was not till after the speeches of these noble Lords that the question respecting the Prerogative of the Crown was brought before the House by the noble Lord on the Woolsack in such a manner, as to induce their Lordships to appoint a Committee to search for precedents, and to adjourn the debate till the Report of that Committee could be received. After that Committee had reported that this Bill was of that kind, in which it had been the practice of the House not to entertain the measure without the consent of the Crown being signified in the first instance, and after the announcement of the noble Duke that Her Majesty's Ministers were not authorized to express that consent, he deemed it a wise discretion on the part of the noble Earl not to press his Motion to another division. But were the debate now to be dropped without further discussion, the supporters of the Bill would be placed in the unfair position, that all the arguments advanced by the noble Duke and the noble Lords opposite would go before the public, without any opportunity having been given to those who were in favour of the measure of meeting those arguments, and showing, what he believed they would be able to do, that they were not such as ought to prevent the success of the Bill. It was on this ground that he hoped he might be allowed to ask for their Lordships' attention, while he entered, though less fully, than under other circumstances he should have been disposed to do, upon a consideration of the objections which had been advanced by the noble Duke and the other noble Lords. The noble Duke, after urging strongly the point with respect to the prerogative, said there were four other reasons why this Bill ought not to be proceeded with, namely, that it would prevent the establishment of the Bishopric of Manchester, and the augmentation of the Sees of St. David's and Llandaff—that it would interfere with the appointment of Archdeacons in the Dioceses of St. Asaph and Bangor, and prevent the augmentation of the poorer Benefices in those Dioceses. Now, he was prepared to show that three of these objections were without the slightest foundation, and that the fourth rested on very slender grounds; and he hoped, therefore, that he should be enabled to induce the noble Duke to reconsider his objections. With respect to the repeal of the late Act preventing the funds of the Bishopric being applied to the augmentation of parochial benefices in Wales, he begged to say, that by the existing law those revenues were strictly confined to the augmentation of poorer Bishoprics. Not one farthing could be applied to the augmentation of parochial Benefices, and therefore the repeal of this law could not in any way interfere with the improvement of this class of preferment. The fund for the improvement of poor Benefices was distinct from that applicable to Bishoprics, and though the Dioceses in North Wales had been excluded from the operation of the 1st Act to 4th and 5th of William IV., he would remind their Lordships, that the Act of the 6th and 7th of Victoria made those Benefices capable of augmentation from the general funds of the Ecclesiastical Commissioners, and that they were now in the course of receiving it. The point as to the Archdeacons of Dioceses in North Wales was also settled by the Act of last year. The Act of the 6th and 7th Victoria, sec. 8, provided for the separation of the Archdeaconries of Anglesea and Bangor, from the Diocese of Bangor, and that of St. Asaph from the See of St. Asaph. Those Archdeaconries had therefore been already constituted, and more than this, persons had been actually appointed to fill them, and were now in possession of the offices and in the receipt of an endowment from the Ecclesiastical Commissioners. None of these steps would be in any manner affected by the measure before the House; and the passing of this Bill, therefore, could not possibly interfere with those Archdeaconries. The third objection of the noble Duke against the Bill was, that it would prevent the augmentation of the Bishoprics of St. David's and Llandaff. Upon this point there was a slight appearance of ground for the objection, which however would be found altogether to vanish upon examination. In the Act which it was proposed to repeal there was no special connexion between the consolidation of the two sees of Bangor and St. Asaph, and the augmentation of those of St. David's and Llandaff. It was true, however, that the Order in Council issued for carrying that Act into effect, after providing for the future consolidation of the Sees of Bangor and St. Asaph, and for the charge which was to be placed upon the consolidated Bishoprick, went on to say that an augmentation should be made to the Dioceses of St. David's and Llandaff out of the proceeds of that charge. And if it had stopt here, there would have been a good ground for the argument that the repeal of this Act would interfere with the augmentation of those Sees. But instead of doing this it went on to say, that the charge was to be so paid, "or out of other monies in the hands of the Commissioners." The proof that there was no necessary connexion between the union of the two Sees and the augmentation of the two Bishoprics was, that the augmentation of that of St. David's had already taken place, although the Union of the two Sees of St. Asaph and Bangor had not yet taken effect. It was paid out of such "other monies;" and inasmuch as the Commissioners had and would have ample funds for this purpose in their hands from other sources, the augmentation of the Dioceses of St. David's and Llandaff would be no more interfered with by the repeal of this Act than the establishment of Archdeaconries, or the improvement of parochial Benefices. The objection with respect to the effect of the Bill on the establishment of the new Bishopric of Manchester was of more importance than the others. He had before expressed his own opinion on this subject that the establishment of a Bishopric at Manchester was by far the most important part of the whole measure under consideration; and he expressly advocated the repeal of the late Act because he considered that there would then not be any obstacle to the immediate creation of the Bishopric of Manchester, instead of that delay which was now likely to occur, inasmuch as a Bishop could not now be placed at Manchester till after the vacancy not only of one, but of two Sees. It was true that it was his wish that the whole subject should be considered, and a more enlarged view taken of the wants of the Church in this respect; but if the single case of Manchester were to be alone taken into account, he did not see that the repeal of this Act need necessarily in any way interfere with it. There was not in t Act itself any necessary connexion between the creation of the Bishopric of Manchester and the consolidation of the Sees of North Wales. The Act provided in one part for such consolidation; and in another part empowered Her Majesty to erect the new See. If that part which related to the consolidation were repealed by the passing of the measure now before the House, the other part, which provided for the creation of the new See, would still remain in force. It was true, however, that though the Act did not expressly connect the two subjects, the Order in Council, by which it was carried into effect, directed that the scheme for the creation of the new Bishopric should not come into operation till after the consolidation of the two ancient Sees. But then that very Order in Council contained an express provision that it should be lawful to amend it by another Order on the recommendation of the Ecclesiastical Commissioners. He therefore conceived that in the event of the passing of this Bill, all that would be necessary for the immediate establishment of the Bishopric of Manchcester would be the passing of a new Order in Council: or if it were thought right to give the express sanction of the Legislature, the introduction into the present Bill of a single short Clause declaring that the Order in Council should take effect immediately, intead of being delayed till the consolidation of the Dioceses of North Wales would be all that could by possibility be required. The noble Duke indeed had spoken as if other and complicated arrangements would be necessary; and as if an Act of the Legislature would be required in order to enable such new Bishop to take his seat in their Lordships' House. But he humbly conceived that this was not a question for the Legislature; but one appertaining to the prerogative of the Crown, [and a part of that prerogative both more clear, and more important than that which had on the present occasion been guarded with such jealous care. He conceived that as soon as a Bishop was established at Manchester it would be competent to the Crown to summon such Bishop by Writ to take his seat in that Houee; and that this was a question which it would not be in any way necessary to bring before the Legislature. The noble Duke indeed spoke of organic change in the constitution of that House. But he did not see how an organic change would be effected more by the introduction of a spiritual than of a temporal peer. He almost hoped the noble Duke would see there was less foundation for the objection he had raised against this Bill than he was led to suppose when he stated them to their Lordships. The noble Lord (Lord Monteagle) who spoke on a late occasion from the other side of the House very fully and earnestly against this Bill, had represented him as having admitted that impropriations were a great evil in North Wales. It was true that he had done so; but he had not confined his proposition to North Wales they were not less so in South Wales; indeed, they were not less so in every parish in England which unfortunately was subject to that calamity. But impropriations were not greater evils in the hands of Bishops than in the hands of other persons. If the whole subject of impropriate tithes were considered with the view of compelling the holders of them to make spiritual provision for the parishes whence they were drawn, he would gladly co-operate in any measure which would have that effect, but he would not be any party to a partial and unjust application of this principle, and that made with the express view of defeating a measure calculated to be greatly beneficial to the Church? On what possible principle could it be proposed to apply a different measure to the Diocese of St. Asaph and Bangor in this respect from that which was to obtain in all other Dioceses. In the event of the consolidation taking place, the Bishop of the created Diocese would be in legal possession of the temporalities of both Sees, subject to a fixed charge to be paid to the Ecclesiastical Commissioners for the augmentation of the poorer Bishoprics. On what ground then was this single Diocese to be dealt with differently from others, from one for instance, with which he had now the misfortune to be connected, the Diocese of Bath and Wells. But perhaps it would be said that they would apply the same principle of appropriation of tithes in the case of all the Bishoprics. Well then would they go a step further? would they admit the same principle in respect to the tithes belonging to Deans and Chapters? If so he would remind their Lordships that this was that very principle of the local appropriation of tithes, which had been strongly contended for by himself and others at the time of the discussion of the Cathedral Reform; but which had been strongly opposed, and pertinaciously resisted by the Ecclesistical Commissioners and the noble Lord opposite who now in this particular instance, and for this particular purpose, was as eager to support it. It could hardly be said that Bishops were less fit holders of this species of property than other Ecclesiastical persons, not to speak of Laymen. On the contrary, if the diversion of tithes from the immediate parochial charge was in any case to be allowed, the evil was undoubtedly least in the case of Bishops, inasmuch as the support of the Bishop was part of the original purpose for which the tithes were given, and he might reasonably be supposed to be more likely than more indifferent parties to have a due care of the spiritual charge of the parish in which they arose. He would further remind their Lordships, if it were now to be maintained that Bishops were not to be allowed to hold this description of property, of the circumstances under which no small part of these tithes had come into their possession. These impropriate tithes before the Reformation, were chiefly in the hands of the Monastic Bodies, and passed to the Crown on the dissolution of those establishments in the reign of Henry VIII. They were restored by Queen Mary to the parochial clergy: but resumed by the Crown by Act of Parliament on the Accession of Elizabeth. But immediately afterwards in the first year of that reign, an Act was passed, perhaps the most iniquitous of any of a period which abounded certainly in no good precedents in respect of the mode of dealing with the property of the Church. By this Act on the ground that the Sovereign, as a lay person, was not a suitable holder of this property, but that it would properly be in the hands of Bishops, as spiritual persons, the Queen was empowered on the vacancy of any See, to seize whatever part of the manor or lands of the See she might think fit, and to make compensation to the Bishop out of these impropriate tithes. It was in this manner that no small portion of those tithes were forced upon the respective Bishops, and if they were now to be taken from them, it would seem reasonable that the State should restore the lands for which they were given, which were now in its possession as part of the property of the Crown. There was only one other subject to which he wished to refer; and that in consequence of some observations made by the noble Lord opposite who had both in a former stage of the Bill before the House, and again on that, the third reading spoken of this measure, as evincing a dissatisfaction with the general existing state of the Constitution of the Church, and as designed to subvert it. The noble Lord had said that this Bill originated with those or at least, if it did not emanate from, that it expressed the wishes, and gave effect to the intentions of, parties who desired to dissolve the union between the Church and the State, with the view of establishing the supremacy of the Church over the State. But no authority whatever had been given for that assertion beyond the fact that the noble Earl in introducing the Bill had incidentally, in proof of one of the positions he advanced, quoted a pamphlet which advocated the revival of the Convocation. This would appear a somewhat slight foundation on which to rest such an assertion. Did the noble Lord mean to say, that the sitting of Convocation for dispatch of business, was incompatible with the union of Church and State. Were the Church and State not united in the reign of Queen Elizabeth, or in those of the Stuarts? Were they not united till the Ministers of the Crown, at the beginning of the last century, put a stop to the deliberations of the Convocation, in order to protect Erastianism and Socinianism in the person of Bishop Hoadley? It could not be necessary on his own part, or that of his right rev. Brethren who supported this Bill, and of the majority of their Lordships House to disclaim any intention of in any degree impairing the union between the Church and the State. But he did not less confidently deny that there was any foundation for such a charge against the general body of the clergy and other members of the Church who were in favour of this measure, They who discriminated the most clearly between the essential character of the Church, as a spiritual communion emanating from a Divine Founder, and its position in this country as a religious establishment in connection with the State, were not therefore insensible to the advantages of such an union. They knew, indeed, that there was a danger to the members of an Established religion—they knew that they were exposed to the temptation of valuing too highly external support—State endowment and civil privileges, and of too little realizing the higher and spiritual privileges belonging to them as members of a true branch of the Catholic Church of Christ. They knew that the true strength of the Church, its best support, its most abiding security, was that which was inherent in itself—that which man did not give, and which man could not take away, that which was found in the purity of the doctrines taught—the apostolical order of the constitution inherited, and the piety and zeal with which the clergy discharged the sacred functions intrusted to them. The advantages conferred by the State gave increased means and abilities for carrying into effect those most important ends for which alone the Church was established and endowed; and if circumstances should bring about a dissolution of the connection between them, it would tend alike to degrade and unchristianize the State, and to cripple the energies of the Church, and impede it from carrying into effect those high objects which in the Providence of God it was destined to fulfil. But great as were the benefits which were thus recognized as flowing from the union of the Church with the State, if any one thing was calculated more than another to excite dissatisfaction with the relation which now existed between the Church and State, it would be to see the authority of the State and the prerogative of the Crown brought in over-bearing influence upon the Church—not for the extension and encouragement of its spiritual efficiency but to control and cripple it. It could not fail to create regret and dissatisfaction among the most attached members of the Church, to see that their Lordships were not permitted to proceed in the ordinary course of legislation with a measure like this—a measure not only called for by the unanimous voice of that part of the country to which it more especially related, but which with a rare unanimity, had obtained the suffrages of the whole body of the clergy, and so considerable a portion of the laity of the land —which had been introduced into that House in no hostile manner, but under auspices and in a spirit calculated to win for it a favourable reception—which was supported with but few exceptions, though these undoubtedly were of the greatest weight, by the whole body of the right rev. Prelates, and which their Lordships had affirmed by no inconsiderable majorities to be conducive to the public good. It could not but excite much regret that such a measure had been brought to such a conclusion as now appeared to be its fate. He had heard with great satisfaction the course indicated by the noble Earl, which was marked by that caution and moderation which had distinguished his whole conduct on this question; and he had no doubt he would find on another occasion the same concurrence and support which had been already accorded to him by their Lordships. He earnestly hoped that Her Majesty's Ministers did not see occasion in a future Session to undertake the conduct of such a measure themselves, at least they would allow it to proceed in the ordinary course of deliberation through both branches of the Legislature.

The Earl of *Mount-Edgecumbe* said, he had on the second reading of the Bill voted in accordance to the recommendations of the noble Duke. He had done so with a very doubting mind, but with a hope that as the arrangement with which the Bill was to interfere would not come into operation until the occurrence of a future event, there would be time for consideration on the part of Her Majesty's Ministers, and that the result of that consideration would be to render the Bill unnecessary. He had, however, another reason. He always thought it the duty of an individual, who could only aspire to the humble position which he occupied, to give to those who filled high offices in the State a steady and a consistent support. The only exception to that rule was, when the principle at stake was higher than the mere question, who might constitute, for the time being, the Government of the country, or where the question did not involve any system of Government. He considered it a great evil when the opinion of a majority of that House was, in the face of the country, overborne by the Government. He admitted that there were cases in which a Government would be fully justified in exercising such a power, where they conceived that the public interests would be prejudiced by the measure which was proposed; but he humbly conceived that such a necessity did not exist in this case, and he was confirmed in this opinion by the statement of a noble Lord opposite the other night, that there were in existence sums for the endowment of a bishopric of Manchester of which the Commissioners had not been aware; and therefore the objection that it would be a bad compliment to the Commissioners not to adopt their decision fell to the ground, because it was only proposed to fulfil the intentions of the Commissioners, and in a manner which it was but reasonable to suppose they would themselves have recommended if they had been aware of the existence of those funds. He thought it would be not more for the interests of the public, than of Her Majesty's Ministers themselves, that they should reconsider this subject, and adopt such a decision as would render it unnecessary for the noble Earl again to introduce his Bill.

The Duke of *Wellington* said, he should not have said a single word on this subject, if it had not been for what had fallen from the right rev. Prelate, who had thought proper, in a manner which was not at all in conformity with Parliamentary practice, to refer to and go into what had been said in former debates on this subject, and to introduce not only the subject of impropriate tithes, which had been only casually referred to by a noble Friend of his opposite, but also other topics which had been mentioned equally by accident, and which had nothing at all to say to this question, the right rev. Prelate had also brought under review the arguments adduced by so humble an individual as himself, who, as the right rev. Prelate had truly said, could be but little conversant with the subject. He was not a Member of the Commission—he never had been a Member of it, and he knew nothing but what he had seen published in the Reports, all of which he had read very carefully. It was his duty to read those Reports and the Act of Parliament which he had referred to on a former occasion, and he had read them, and was acquainted with their contents, and he was able to state to the House that the Bill of the noble Earl, if passed into a law, would have the effect of repealing part of an Act of Parliament which was the very foundation of the powers that were given to Her Majesty by her Order in Council, and he on a former occasion entreated their Lordships not to agree to the Bill on that account, without the consent of the Crown to the discussion. With reference to the power of appointing a Bishop of Manchester, which subject had been again alluded to by the right rev. Prelate to-night, it was said that it could be provided for in another manner, by the use of the prerogative of the Crown, and by another Act of Parliament. He (the Duke of Wellingson) was not discussing another Act of Parliament, but he was discussing that Bill which was before the House, and the effect which it was likely to have, if agreed to, upon those arrangements which were to be carried into effect by Her Majesty's Orders in Council under the existing law. He referred to the power given to Her Majesty to carry into execution the recommendations of the Commissioners by Orders in Council, and he then reminded the House that the Bill of his noble Friend would have the effect of destroying the very foundation of that power of Her Majesty. That was the course which he took on a former occasion when the Bill of his noble Friend was under discussion by their Lordships—it would, he repeated, affect the whole superstructure of that power to carry out the necessary arrangements under the existing law, and would tend to destroy all the machinery which had been provided for carrying out the recommendations of the Commissioners. That was the ground which he took when the subject was last before their Lordships—these were the reasons which he urged for not agreeing to the Bill. He represented on that occasion what the arrangements were which might be carried into effect without this Bill. Amongst other things, he mentioned providing for the parochial clergy in Wales; he mentioned Wales in particular, as more applicable to the case, but the power under the existing law applied to all the parochial clergy, and he stated that the law under which that could be done would be affected by the Bill of the noble Earl, if it were passed into a law. He had now a paper showing what distribution had been proposed of the revenues at the disposal of the Ecclesiastical Commissioners by Her Majesty's Order in Council. If their Lordships referred to the Reports they would find that very large demands were made upon the parochial funds — they would find that very large demands were made on account of those dioceses. In the dioceses of Llandaff and St. David's, for instance, the demands which were made on the parochial fund were greater in amount than the saving that would be affected by the union of the dioceses, and the demands for parishes in the dioceses of St. Asaph and Bangor were 3,181*l.* for St. Asaph, and 4,747*l.* for Bangor, on the parochial fund. It was true that the episcopal funds could not be applied to that purpose without the authority of an Act of Parliament, and it was true, as had been said, that it was at the disposal of the Government. That might be, if they could prevail on the other House of Parliament to agree to such an appropriation of the episcopal fund. With respect to the Bill of the noble Earl, he would beg to remind their Lordships again that its effect would be to repeal a portion of the Act of Parliament, which was the very corner stone on which the whole system at present in force depended with respect to the power of Her Majesty in Council, and the appointment of a Bishop in Manchester, as well as with reference to the sees of Llandaff and St. David's. The right rev. Prelate who had spoken last had charged him (the Duke of Wellington) with ignorance of the Act of Parliament which was passed in order to carry into effect some of those arrangements to which he had alluded; but what he had before stated he would now state again, and if their Lordships referred to the Act of Parliament to which he had before directed their attention, and referred to the Bill of the noble Earl, they would find that he had stated correctly what would be the effect of the Bill of the noble Earl. Their Lordships were well aware that there were serious objections made at the time the Reports originated to the introduction of two Bishops, the Bishops of Ripon and Manchester, into that House, and he believed it was deemed necessary at that time to unite not only two dioceses, but four dioceses. It was true, as the right rev. Prelate said, that the exercise of the prerogative of the Crown, and a Bill in the other House of Parliament, could effect some of those purposes; but he (the Duke of Wellington) pointed out that very ground as an objection to the Bill of the noble Earl, namely, that his Bill would make it necessary to resort to the prerogative of the Crown, and a Bill in the other House, to effect an object which could, as the law now stood, be attained by an Order of Her Majesty in Council: if such a measure were really required, he begged to be permitted to claim for Her Majesty's Government the opportunity of considering the matter and of originating such a measure themselves, and not to be forced to bring it forward by a Bill brought into that House. The right rev. Prelate objected to the use of the prerogative of the Crown on this occasion. No one could have said less on that subject than he (the Duke of Wellington) had, and he had only mentioned it when he looked upon it to be absolutely necessary to do so. He stated last Session, when the Bill was before the House, that it would be necessary to have the consent of the Crown to the discussion of the Bill in Parliament, but he did not mention it until the Bill had proceeded through some of its stages. On the occasion of the introduction of the Bill this Session, he allowed it to pass a second reading without saying a word on the subject of the necessity of the consent of the Crown to the discussion, and he did not bring it forward until he was asked by a noble Lord on the other side of the House if he had the authority of Her Majesty to consent to the discussion of the Bill. He had not spoken one word on the subject up to that time, for he thought it proper to allow their Lordships to decide on the second reading of the Bill. When, however, he was asked that question, he stated that he had no such authority—he did not wish to state it sooner, for he knew that it would be time enough to state it at any stage of the measure. When the Bill was about to be read a third time, he stated that he had not the authority of Her Majesty to sanction the discussion of the measure, and he urged their Lordships not to proceed with it without the sanction of the Crown, and he urged upon the right rev. Prelates to consider whether they ought not to refuse to pass a Bill, to the discussion of which Her Majesty had not given her consent. He urged them to consider whether, even supposing it was the greatest possible object to the Church to have the dioceses of St. Asaph and Bangor separate, it would be not advisable, even for such an object, to establish the precedent of agreeing to a Bill affecting the interests of the Church without having the consent of the Crown to its discussion. That was all he said on the subject—he said it was a matter of form, and he entreated their Lordships to consider whether they ought to adhere to it or not. Several noble Lords, however, considered not only that the form was important, but they considered that the substance as well as the form of it was important, and that it was most essential that the consent of the Crown should be obtained for the discussion of the Bill—indeed, his noble and learned Friend on the Woolsack expressed a doubt as to whether or not he could put the question on the Bill, after it had been stated that the consent of the Crown was not given to the discussion on the Bill; and the subject was accordingly referred to a Committee, which Committee were required to search for precedents, in order to ascertain if the Bill belonged to that class of Bills with respect to which it was the usage of the House to obtain the consent of the Crown for the discussion, and the Committee reported that it was of that class. The only use which was made of the prerogative of the Crown in this case was, in effect, that Her Majesty was not advised to give the consent of the Crown to the consideration of this Bill by the House; that was all that had been done in the use of the prerogative of the Crown; and it was, in fact, the House itself which took the course that had been complained of with regard to the Bill, and not those of whom the right rev. Prelate said that they were willing to take advantage of the prerogative of the Crown. It was the duty of the servants of the Crown to consider this case as they would consider any other case—it was their duty to consider whether the measure was necessary, or, if not necessary, what course they ought to take. When they considered the subject, and when they came to the conclusion that it would be likely to inflict injury instead of being useful, it was their duty not to advise the Crown to give its consent. He felt himself under the necessity of making these observations, and he should have allowed the Motion of his noble Friend to pass without any remark if it had not been necessary for him to do so in his own defence.

The Bishop of *Salisbury*, in explanation, said he did not refer to a former debate on this Bill, but to a part of the present debate, which had taken place on a former occasion. He should exceedingly regret it, if he had used a single expression which could by any possibility convey anything but real respect for the noble Duke. He (the Bishop of Salisbury) felt that in so doing he should be doing that which would be offensive to every one of their Lordships. He did not accuse the noble Duke of ignorance of Acts of Parliament, but the noble Duke having been inaccurate in some portions of his statement, he (the Bishop of Salisbury), remarked that he might not be so conversant with the details of those matters as the right rev. Prelate was. He (the Bishop of Salisbury) could assure the noble Duke that nothing disrespectful was intended.

Earl *Mount Edgcumbe* hoped Her Majesty's Government would reconsider the matter before the expiration of the present Session of Parliament.

Lord *Lyttelton* said, it was evident that the means which Her Majesty's Government had adopted to defeat the Bill was to inform the House that the consent of the Crown was necessary to its discussion. It was well known that that consent was necessary to the passing of the Bill into a law, but if the consent of the Crown were necessary to the discussion of the measure, then any debate on the merits of the Bill was utterly futile. No one could doubt that if the Government thought proper to advise the Crown to give its consent, that consent would be obtained. It was now admitted that not a single precedent could be got for making the consent of the Crown necessary for the discussion of the Bill. The noble Duke now said he did not press the prerogative of the Crown—that he did not mention it till the second reading. Certainly not, for Her Majesty's Government would not have adopted so unusual a course had they thought the Bill would have been thrown out on the second reading.

The Duke of *Wellington* said, that on the second reading of the Bill last Session he had stated that he had not the authority of the Crown to sanction the consideration of the Bill, and before the Bill was brought in during this Session he had communicated to the noble Earl that the consent of the Crown could not be given to the discussion of the measure.

Lord *Lyttelton* said, it was a very unusual course to refuse the assent of the Crown merely to the discussion on a Bill; but Her Majesty's Government wished to prevent it reaching the House of Commons, and they adopted a mere technical form in order to effect that object. It ought, in his opinion, to be considered a matter of course to allow the discussion. A noble Duke said the other night of this course, that it was a state trick and an unworthy manœuvre. He (Lord Lyttelton) would not go the length of repeating that, but he could not think it a very fair way of stopping a Bill if it could not be resisted on its merits, and he thought it was a proceeding not very worthy of this or any other Government.

Lord *Brougham* said, the noble Lord appeared to be under a mistake with respect to the Bill. He, as a constitutional lawyer, denied that any Bill in that or the other House of Parliament could not be considered without the consent of the Crown. As a constitutional lawyer, he maintained that there was not any subject to the discussion of which the previous consent, permission, or leave, of the Crown was required before either House of Parliament fully and fairly considered it. The Committee reported on quite a different matter from that; namely, they reported that this Bill was one of a class of Bills with respect to which it was the usage to give the consent of the Crown to the consideration before the Bill passed into a law; and in the second Resolution it was stated that the consent of the Crown was given at different stages of such Bills, and was not necessary at any one particular stage. It was of the highest importance to the privileges of the Parliament, and their constitutional power and freedom, that this matter should be rightly understood. He would maintain that there was no necessity, on the part of either House of Parliament, to obtain the previous leave and permission of the Sovereign in order that they might discuss any Bill. If that were not the law then there was an end to all their Parliamentary and constitutional freedom of discussion. Good God! did they not know that one of the greatest grievances which had been complained of in the ancient institution of Scotland was, that a Committee, called "the Lords of the Articles," had power previously to inquire and give their acquiescence before a measure was introduced and discussed, and yet those Lords of the Articles, who were Members of the Estates themselves, were looked upon to possess power which was an intolerable grievance, and repugnant to the freedom of debate—a power which was put an end to by the Revolution of 1688, and which never existed after, from 1688 to the period when the Union, in 1706, happily put an end to that very exceptionable body, the Scottish, in the same way that another Union at a subsequent period put an end to that much more exceptionable body, the Irish Parliament. The granting of the consent of the Crown to the discussion of such Bills had invariably been acted upon—it was one which was advantageous in operation, and its origin showed that it was founded upon a wise reason, and was calculated to be advantageous in effect. It was proposed originally with a view to prevent unseemly collision between the two Houses of Parliament and the Crown, as regarded giving a veto by the Crown to a Bill which had passed both Houses of Parliament. The refusal of the consent of the Crown to the discussion of a Bill was a warning, as it were—a polite and courteous communication—yes, he said a courteous communication between the Sovereign, the guardian of the privileges of the Crown, and the two Houses of Parliament—one House the representative and guardian of the Aristocracy and the Church, and the other representing the Commonalty of the realm in order that there might be a previous notice that if they passed a certain Bill it would not receive the Royal Assent; and it would be evident to their Lordships that there must be many excellent reasons for a custom which had so great an effect in preventing any unpleasant collision, by withdrawing the Royal Consent to the discussion of the measure. It did not, however, he should remark, follow from what he said that because this had been the custom of Parliament, either House of Parliament had been therefore bound by it, for both Houses of Parliament had the undoubted right to discuss any measure that was brought before them; and there was no case in which any Member of the House of Commons or any Peer of Parliament could not introduce any question, and take the discussion on it without the consent of the Crown for such a discussion. He held it to be demonstrative to the clearest proof that there was no one case in which any Peer of Parliament, or representative of the people in the House of Commons, had not the undoubted and imprescriptible right of rising in his place, and making any Motion on any one subject which he pleased, and there was no one Motion on which he could not take a discussion, and in which the Speaker was not bound to put the question, except where the Statute interfered, as he should presently show it did in one case. By the 10th of George III.—the Grenville Act—it was provided that if a petition were presented complaining of the election of any Member, it should be laid on the Table without the question being put, and that was the only exemption in either House of Parliament as to the power to bring forward a Motion and of the Speaker to put the question upon it. No man could, after the passing of the Grenville Act, moot the question whether A. B. was or was not duly returned to Parliament in case of such a petition as that which he had described; and it must be laid on the Table as required by the Statute; that, in fact, went to prove, that in other cases, where there was no statutory prohibition, the Speaker was bound to put the question, or else one single individual in the House of Commons could put an end to a subject by refusing to put the question; and if that were the right in the House of Commons, who select their own Speaker, how much stronger was it in their Lordships' House who did not choose a Speaker. Their Lordships did not choose a Speaker, and that was the reason that the Lord Chancellor had no power to preserve order given to him, each Peer kept order. Perhaps, however, he should better satisfy some noble Lords if he prefixed the syllable "dis," and said, that each Peer had a power to preserve order or maintain admired disorder as the case might be. His noble and learned Friend upon the Woolsack might, perhaps, wish he had the larger power of the Speaker in the other House; but *boni judicis* and he might, perhaps say *boni oratoris est servare non ampliare jurisdictionem.* [The Lord Chancellor intimated his dissent.] He was sure his noble and learned Friend had better be without the power. But as this House did not choose its own Speaker it was more necessary here than in the other House, that the Speaker should have neither eye nor ear (as an old Speaker in the other House once said) but as the House itself should direct. It was quite true, that in the other House no Bill on the subject of money could be entertained without the previous leave of the Crown—not that they had not a right to hear it, for it was their undeniable right to discuss the subject of granting money, but it was a wisely imposed self-restriction — a restriction which they laid upon themselves—that they should not receive applications for money, without the consent of the Crown. It was a wise and prudent, and salutary restriction, that they should not proceed further without the consent of the Crown, where its interests were concerned, but it was only a rule of self-restraint. He was of opinion, therefore, that they ought to follow usage in this case, though there was no rule of law to prevent them from proceeding with the discussion; and if he moved the third reading, his noble and learned Friend would be bound to put the question. If however, any extraordinary necessity arose for the exercise of their right, they were not debarred from using it; but he did not believe that any necessity existed in the present case for departing from that usage.

The Marquess of *Clanricarde* entirely agreed with his noble and learned Friend upon the importance of this subject, and thanked him for his speech, because, agreeing with him, that there were rules of Parliament as well as laws of the country which were not to be found in written enactments, he thought it of the highest importance that some protest should be entered against this case being considered a precedent. It was an entirely new precedent, because, though undoubtedly the Committee had reported that upon such Bills as the present it had been usual to have the consent of the Crown before they could be passed, he defied any noble Lord to produce a Bill that had been stopped, and which the House had been precluded from passing before this one, for, virtually and practically, their Lordships were now stopped for want of the consent of the Crown. He would remind his noble and learned Friend how it was, that the word "usages" got into the Instruction to the Committee, and then into the Report of the Committee. The Government took a stronger view of the case than his noble and learned Friend had taken on the present occasion, because the Motion, as moved by the noble Duke, had the word "required" in it, [The Duke of *Wellington:* No, no.] Yes, at first; but at his suggestion the noble Duke happily inserted the word "usage," for if the word "required," had been used, it would have been necessary to take some step to have it expunged. The doctrine laid down on the other side of the House was, that their Lordships were precluded from proceeding, not only with this Bill, but all such Bills. But he asserted that while there was an absence of any such precedent, there were several precedents of Bills touching the rights of the Crown as nearly as this having passed. He would not, however, take that ground, because the laches or neglect of the Government or the House could not be pleaded as forming a good precedent. The noble Duke stated that last year he had alluded to the consent of the Crown being necessary; but not a word was said this Session, either upon the first or second reading of the Bill, and what was the consequence of that reserve? They were now called upon to slight the rights and privileges which that House had hitherto used, and they were precluded from giving effect to the opinion to which, after deliberation they had come.

And what was that for? He should not blame the Government if he saw that any injury was done to the Crown. That had never been argued. Who knew that if the Bill were passed, the Crown would be injured in its rights or patronage? But that was not the ground on which consent was withheld. What then? No other reason had been given than this—that it was the opinion of Ministers that the Bill ought not to pass. If the doctrine was laid down that whenever a Government were of opinion that a Bill ought not to pass, they were to withhold the consent of the Crown there was an end to the freedom of debate in that House. He was told that they might debate this Bill to the latest period; but was their Lordships' House a mere debating society, where they were to discuss questions and measures which they knew would never pass? With regard to the measure itself, he did not take an extraordinary interest in it, not having studied it much; but he should be disposed to vote for it upon the recommendation of the Ecclesiastical Commission. He wished now only to enter his protest against the conduct pursued in most unnecessarily raising a question between the rights of that House and the attention which ought to be paid to the Crown, which being a matter of much delicacy ought not to have been raised upon such grounds. The impression upon every man's mind in the country, must be, that Ministers wished to sneak behind the Throne, and under cover of the royal prerogative to prevent this Bill from going down to the other House of Parliament, because some of their right hon. Colleagues would be obliged to support it. Why not say that out in their Lordships' House as well as elsewhere? It was perfectly well known that the President of the Board of Trade was well inclined towards the measure; and it was as perfectly notorious, that the Chancellor of the Exchequer dare not disoblige his constituents at Cambridge. [" Hear, hear."] Let noble Lords who cheered him go to Cambridge and inquire, and they would soon be satisfied that such was the reason; and he defied them to produce any precedent of any Government having withheld the consent of the Crown in this way. He felt, therefore, quite justified in finding fault with Ministers. So little did the noble Duke know the ground upon which he might meet the right of usage, that it was at the suggestion of the noble and learned Lord on the Woolsack that a Committee was appointed to find a precedent. The noble Duke did not know whether the Bill came within that class of Bills which rendered it necessary first to ascertain whether the consent of the Crown would be given. [*Cries of* " No, no,"] If that was not the case, why then did a Cabinet Minister propose the appointment of a Committee to inquire into what they already knew and were satisfied about? [A noble *Peer*: It was Lord Canterbury.] It was immaterial whether the Government itself or a noble Baron who was a friend to the Government suggested the Motion; it was entirely done by the Government. It was, therefore, too late for the Government to say now that this course had been taken only on the ground of injury to the Crown. He repeated his thanks to his noble and learned Friend for his speech, which would be referred to in future times. If the consent of the Crown was to be withheld whenever Ministers chose that a Bill should not pass, there was an end to the privileges of that House with regard to legislation.

The Duke of *Wellington* explained that he was not the person who had suggested the word " required," and that all he did was to substitute the word " usage."

Lord *Wharncliffe* said, his noble Friends never refused the consent of the Crown, nor ever said anything about it until his noble Friend was asked from the other side if he was empowered to communicate her Majesty's consent to the measure. When the question was raised, it was his duty to say that he was not authorized to give the consent of the Crown. The noble and learned Lord on the edge of the Woolsack (Lord Brougham) had given a most able exposition of the rights, both of the Crown and of their Lordships' House, well worthy their attention; but he could not speak so of the Address of the noble Marquess, who had stated that it was because some Minister could not vote against the Bill in the other House, that therefore the Government had taken this course to stop the Bill. How did the noble Marquess know that? Had the Bill passed, what was there to prevent the Chancellor of the Exchequer acting upon principle, perceiving the evils of the Bill, and voting against it? But the noble Marquess seemed to know more of the intention of his Colleagues than he did; for he said one right hon. Gentleman would vote for the Bill. He (Lord Wharncliffe) knew nothing of that fact. The Act which his noble Friend now sought to repeal was the settlement of a great question, and it should remain undisturbed. It was a pity that this subject could not be discussed without stirring up other questions as to how many Bishops, or whether any, should sit in their Lordships' House. Such discussions were not calculated to advance the interests of the Church.

Lord *Monteagle* said, he was the person who first called attention this Session to the question whether this Bill required the assent of the Crown or not, and that entirely without the knowledge or privity of any noble Lord opposite. He had acted only in accordance with what had happened in the antecedent year, when the noble Duke, not after the second reading had been agreed to, not after the question had been put to him, but after the noble Lord who had charge of the Bill had agreed to withdraw it—and then it was in reference to the future—took upon himself to suggest the question whether the assent of the Crown would not be necessary before such a Bill could pass? That was last year; and therefore he utterly denied that this prerogative of the Crown had been called into action to control an adverse majority. When the subject was first mentioned, it was not after an adverse decision; therefore the noble Lord had no ground to complain of underhand proceedings. He had hoped, indeed, that this suggestion made last year would have induced the right rev. Prelate and the noble Lord to withdraw the Bill altogether. No one would wish to deny the force of the exposition of the noble and learned Lord (Lord Brougham), but it must not be carried too far; after all, much must depend upon the wisdom and discretion of the House in the exercise of its rights—what was there, in fact, to prevent them from moving an Address to the Crown praying for the royal assent? That would be no surrender of their rights and privileges, which, he contended, had not been interfered with. At the same time, he thought that it would be convenient in cases where the consent of the Crown was necessary, for the House to be put in possession of that knowledge as early as possible. With respect to official convenience, or any possible difference of opinion among noble Lords and their Colleagues, he had no concern, but undoubtedly the statement made by the noble Duke last year before any such occurrences could have taken place, as was supposed, was a sufficient answer to them. He had understood that the Bill would have a good effect among the working clergy in Wales, and a right rev. Prelate had informed him that the principle of the Bill was very good and ought to be applied to all England; but without the means he did not see how it could be carried out. He trusted noble Lords would consider that portion of the measure during the interval between this and the next Session. The cry in Wales both from the clergy and the laity would be very different from what it was if they saw the ecclesiastical revenues applied to the promotion of Christian instruction. Noble Lords should feel that the real object was to extend the number of bishoprics through the country. He thought that if such was the case, a Bill should be brought in expressly announcing that intention.

The Bishop of *Bangor* said, that approving as he did of the course pursued by the noble Earl in not pressing the House to any further decision upon his Bill after the report from the Committee who had been required to report upon the question of the royal assent; he, at the same time, must express the great regret which he felt upon this subject. He was sure, too, that that regret would be felt by every person in the Principality of Wales, as he knew it to be by all with whom he had either conversed or corresponded on the subject. He felt certain that the intelligence of the manner in which the Bill had been disposed of would be received with universal regret. He had no doubt that Her Majesty's Government had acted under a strict sense of their duty to their Sovereign on the subject. If the Bill had been thrown out by a majority of their Lordships' House or the House of Commons, then his countrymen and neighbours would have submitted with regret, but without any strong feeling of disappointment; but when they heard that the Bill had been disposed of upon a formal and technical objection, they would feel the deepest sorrow at the matter. It could not be contended that the Bill affected the property or the prerogative of the Crown. He could not concur in what had been said by the noble Earl (the Earl of Powis) as to the statement made by the noble Duke during the previous Session, as he did not understand that any such intimation as that mentioned took place. He was bound to say, that he was fully convinced that the measure adopted was one which would have no operation upon any other question connected with any bills that had already passed through the Legislature, and that it would not even affect the Cathedrals Bill, or the Act the two Clauses of which it proposed to repeal, with the exception of those clauses. It was a measure which tended to produce no organic change in the constitution of the country. It did not aim at revoking any Order in Council beyond this one. He could assure their Lordships that the question was one which was deeply felt by the clergy of his diocese from the first. The working clergy—as one noble Lord chose to call them, by an invidious distinction which he did not pretend to understand—the working clergy thought it much better to claim their bishopric than that there should be a division among the poorer clergy of the revenues of the diocese. As for himself, he had no personal interest in the Bill, since he would remain where he was during his lifetime. He certainly, however, felt deeply for his diocese, and he knew that all his clergy felt deeply upon the subject also. It was therefore that he felt it his duty to support as strenuously as he could the Bill which the noble Earl had presented with so much ability and zeal to their Lordships. In conclusion, he hoped that the Government would take the whole subject into their consideration for another Session, and that they would adopt a different view of it from that which they had at present unfortunately taken. He hoped that when again brought before the House Ministers would present no merely formal and technical obstacle to the Bill, and with that hope he would return to his diocese.

The Duke of *Wellington* trusted he would not be deemed guilty of disorder by speaking again, if he rose to offer some explanation. He did give notice to his noble Friend (the Earl of Powis), when his Bill was under discussion last year, that it was a measure upon which it would be necessary to have the consent of the Crown. His noble Friend considered that intimation so conclusive that he had communicated with him (the Duke of Wellington) on the subject before bringing in the Bill in the present Session of Parliament. Upon the third reading of the measure he had intimated that Her Majesty's consent could not be given to the Bill, but he then stated that it was not his intention to take the sense of the House upon the third reading; proving thereby that he only wished to put it to the House whether it was expedient for the House to proceed with a measure to which Her Majesty's dissent had been signified. No one felt a higher respect for the right rev. Prelate who had just spoken than he did, and nothing was more creditable to him than the attachment of his clergy to their Bishop. But that was not the question which the Government were called on to consider. They had to view the measure upon large and constitutional grounds; and in doing so they had determined that they could not advise Her Majesty to give it her consent.

Lord *Campbell* said, that while concurring with the constitutional law upon the subject, as laid down by his noble and learned Friend (Lord Brougham), yet as the law now stood it was clear, that the consent of the Crown having been withheld, the Speaker of their Lordships' House could not put regularly the question that the Bill do now pass. He would suppose that it was in the power of Parliament to make such a regulation as his noble and learned Friend (Lord Brougham) had contended for, and that it might take the initiative in matters affecting the prerogative and revenues of the Crown; yet it was still clear, from the usage on the subject, that both Houses had laid down as a rule, that unless the assent of the Crown was given, such a Bill should not pass. The usage of the House was the law of the House, as much as it was the "*lex scripta Parliamenti,*" and the usage said, that there was a certain class of Bills which could not be passed without the consent of the Crown. Well, then, the Report of the Committee appointed to investigate the matter held that the present Bill was one of that class, and till the consent of the Crown was given, therefore, he maintained that it could not pass. He thought that the time at which in the progress of such a Bill, the Royal Dissent ought to be intimated, was a point which ought at once to be settled, and he should submit, that as the question resolved itself into a Standing Order, their Lordships ought to make a Standing Order that this class of Bills should not be entertained unless the Royal Assent was signified to them upon their second reading.

Lord *Wharncliffe* stated that Ministers were quite willing to take upon themselves the responsibility of advising Her Majesty to withhold her assent from the present Bill.

The Bill was then withdrawn.

PAUPER LUNATICS (IRELAND).] Lord *Monteagle* said, that the question which he had then to bring under their Lordships' consideration was evidently not a party question. It was one which he felt willing to bring forward, though at the moment when he addressed them there was not one of his noble Friends present. The question was one which demanded their most serious attention, involving as it did the highest considerations of humanity, expediency, and justice. It must be in their Lordships' recollection, that the subject which he proposed to bring before them was one which had already been deliberately inquired into by a Committee of that House—that witnesses of the highest respectability had been examined, that men of the greatest skill and eminently conversant with the subject had been before the Committee; and the Report which had been presented to their Lordships was one to which the Committee gave their unanimous assent; and that Report was communicated to the other House of Parliament. Before he proceeded further, he begged to say that one of the objects with which he then rose was to inquire what the intentions of the Government were respecting the important duty of making provision for Pauper Lunatics in Ireland, as well as to call the attention of the noble Duke opposite to a conversation which he had held with him during the present Session of Parliament, on the subject which he was now endeavouring to bring under the view of the House. Remembering then, the importance of the subject, and remembering likewise that conversation to which he had referred, he could not help feeling some surprise that nothing had yet been done in a case where the necessity was so urgent, and the evil so great. At present nothing more was done, and according to the present system, nothing could be done for the Pauper Lunatics beyond that of keeping them in safe custody; and here let it not be forgotten that those Lunatics were persons not only not criminal, but not even accused of crime; yet those poor people were detained in confinement, without any of the medical aid or moral discipline which their condition required; they were, on the contrary, subjected to the mere prison discipline, and they were sent to prison on the mere certificate of any medical man—they were sent to common gaols, and treated like ordinary offenders. It was true that the Lord Lieutenant could, if he thought proper, send them to one of the district asylums; but so insufficient were those buildings to answer the purposes for which they had been designed, that the answer to any application for admission always was, "The asylum is quite full." In illustration of the extent to which the demand for admission was carried, he should just state that in the year 1837 the number in those district asylums was 37; in 1841, it was 110; and in 1843, it was 214. One just cause of regret was, that so many and such helpless persons should be in local prisons away from the cognizance of the Government. The Committee in their Report recommended that there should be in Dublin a central establishment for Criminal Lunatics. Now, for the accomplishment of this object no Bill whatever was required; all that the Government had to do was to take a vote for the purpose, and really he thought it was incumbent on them to do this when they looked at the whole of the ill-considered arrangements under which those persons were kept: those arrangements were so ill-considered that the parties who made them would not now justify them. Nothing could be worse than the condition of Pauper Lunatics. In the union workhouses there was nothing like accommodation for them: there was nothing more contrary to humanity than the manner in which they were kept; no proper means provided for their restraint; no moral discipline—no medical assistance, nothing but straitwaistcoats, chains, and personal violence;—and again, nothing could be more unequal or irregular than the allocation of these asylums. There was only one for the whole province of Connaught, with a population of 1,500,000 souls, and one for the county of Waterford, with a population of 400,000. That which he particularly deprecated was, that the Session should be allowed to pass over without anything being done for the mitigation of so great an evil. To leave the people in such a state would be a political crime in any Government. It was, no answer to say that the change which he suggested would lead to increased expense. He believed he spoke the sentiments of the Irish proprietors generally when he said that they would not object to local burthens, when those burthens were really imposed for purposes of humanity. He suggested that as a beginning the Government should take a vote in order to make provision for Criminal Lunatics, and he concluded by moving an Address to the Crown representing that a Committee had investigated the state in which Pauper Lunatics were kept in Ireland; that their unanimous Report and other documents had been laid before their Lordships' House, setting forth that the accommodation for the Lunatic Poor in the district asylums was insufficient; that in consequence of that they were obliged in the local establishments and common gaols to be associated with criminals; that there was not a sufficient provision for moral restraint and medical treatment: that there was no general asylum such as existed in Great Britain; that on the authority of the Commissioners it appeared that the cells and dormitories in the union workhouses were gloomy and uncomfortable; that Pauper Lunatics had frequently been imprisoned upon false pretences and without a medical certificate. The Address concluded by praying that these evils be remedied by such means as Her Majesty might be advised to adopt.

Lord *Wharncliffe* said, the Government would rejoice to have better means of providing for the accommodation of the unfortunate persons to whom the noble Lord's Motion referred. The Government had turned their attention to the subject of providing a central asylum for pauper lunatics, and a plan was now before the Chancellor of the Exchequer, and the probability was, that the right hon. Gentleman would take a vote for the purpose of carrying it into effect. That was the probability, but he could not pledge the Government that such would be the case. From the noble Lord's own showing, it would require an Act of Parliament to provide for the regulation of these asylums, and his noble Friend the Chief Secretary for Ireland had proposed a Bill, and would, if possible, bring it on this Session, but he (Lord Wharncliffe) would suggest that it would be desirable that the Bill should be submitted to the grand juries of Ireland for their suggestions. He would communicate to the Chancellor of the Exchequer the impression which the speech of the noble Lord had made on their Lordships' House, and he trusted that in the course of this Session some further advance would be made in the matter, and means taken to provide the necessary sum. Under the circumstances he conceived that the Address was unnecessary.

Lord *Monteagle* said, that in the Hebrew language there was no future tense, and he wished he could say so of the present Government; but unfortunately their language upon such subjects as that before the House—upon all matters relating to Ireland—was all in the future tense. The defects of the existing institutions were manifest, but if the object of the Government was to apply to the grand juries for sites, they would be applying to the very worst authorities. The course which the Government were now taking was the very reverse of that which had led to any improvement of lunatic asylums. Sir Robert Peel, when Secretary for Ireland, went to Parliament and got a vote, and established the Richmond Lunatic asylum in consequence of that vote, which was the first effectual step taken towards the improvement of the asylums in that country. If the noble Lords opposite were disposed to bring their future tense into the present tense, there was nothing in the Address which he had named that they could object to, and he should not, therefore, withdraw it.

Question put, and negatived.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 11, 1844.

Minutes.] Bills. *Public.*—1°· Party Processions (Ireland); Piccadilly Improvement; Trafalgar Square; Marriages (Ireland); Soap Allowances.

2°· Joint Stock Banks Regulation; Turnpike Trusts (South Wales); Merchant Seamen; Controverted Elections.

Reported. — Sudbury Disfranchisement; Detatched Parts of Counties; Butter and Cheese; Actions for Gaming Discontinuance (No. 2).

3°· and passed:—Assessed Taxes Compositions; Colonial Postage.

Private.—2°· Willenhall Chapel Estate.

3°· and passed: — Great Southern and Western Railway (Ireland); Stone's Estate; Necton Tithes.

Petitions Presented. By Sir R. H. Inglis, from St. Anne's, Westminster, for better observance of the Lord's Day.—By Mr. Rashleigh, from Deanery of Triff Minor, for Alteration of Parochial Assessments Act.—By Visct. Clive (20 Petitions), against Union of Sees of St. Asaph and Bangor. — By Sir E. Knatchbull, from Sir J. E. Honeywood, for Inquiry.—By General Lygon, from Worcestershire (6), against the Repeal of the Corn Laws —By Mr. M. J. O'Connell, from Mallow, for Inquiry (Tolls and Customs, Ireland).—By Visct. Clive, from Churchstoke, in favour of County Courts Bill. — By Captain Plumridge, from H. Crease, against Duchy of Cornwall Assessionable Manors Bill. — By Mr. M. J. O'Connell, from Middleton (Cork), and by General Johnson, from Out-Pensioners of Chelsea Hospital, for Alteration of Poor Law Amendment Act.—By Sir James Graham, from Yeovil Union, and St. Leonard's, Shoreditch, for same; and from Edmonton Union, for Repeal of all Local Acts. — By Mr. T. Duncombe, from J. Mazzini, for opportunity of Refuting Charges.—By Mr. G. Craig, from North British Railway Company, and by Mr. C. Russell, from Chester, Liverpool, and Birkenhead, against Railways Bill.—By Colonel Wood, from Road Trustees of Brecon, against Turnpike Trusts (South Wales) Bill.

Civil Disabilities of Dissenters.] Mr. *Christie* rose to call the attention of the right hon. Baronet to certain Civil Disabilities which affected Dissenters from the Established Church. One of these was, their exclusion from practice, as advocates in any of the Courts of Doctors' Commons. He wished to ask, whether in any future measure respecting Ecclesiastical Courts, the Government would take steps to remove this disability. The right hon. Baronet (Sir R. Peel) when he returned to office in 1834 had, in an address to his constituents at Tamworth, declared that he was opposed to the policy of continuing any Civil Disabilities on Dissenters. Bearing that in mind, he wished to ask the right hon. Baronet whether it was the intention of Government to take any steps for the removal of the Disabilities to which he had referred?

Sir *R. Peel* said, that his attention had not been called to the subject to which the hon. Member referred, until he received the note apprising him of the hon. Member's intention to put his question. With respect to Gray's Inn and the Middle Temple, he was not aware that there were any regulations affecting Dissenters more than any other class of subjects. It was the practice that those who had not taken degrees, or spent a certain number of terms at one of the Universities, should be obliged to spend five years from the time of putting their names on the books of the Inn before they could be called to the bar; but this practice applied to all persons, without distinction. As to the deposit of 100*l.* by those who had not taken University degrees, it was also a general regulation, which was adopted because the party entering the University had to pay a sum of nearly the same amount. His (Sir R. Peel's) general opinions on this subject were those which he formerly entertained, and to which the hon. Member had referred, but his attention had not been called to the subject since. He would, however, direct his attention to it during the recess, but let him add, that it would be better for all parties that whatever was done should be done with the cordial consent of the presiding authorities, rather than be forced upon them by legislation.

Incendiary Fires in Norfolk.] Mr. *Wodehouse* rose to put a question to the right hon. Baronet, the Secretary for the Home Department, of which he had given him notice, respecting the Incendiary Fires in the county of Norfolk. He would, in the first instance, call the attention of the right hon. Baronet to the case of two men named Knowles, who were tried at the last Spring Assizes before Lord Abinger, in Norfolk, for incendiarism. They were found guilty and sentenced to fifteen years' transportation; but soon after they received a full pardon and returned home. Now, if he were to ask on what grounds that exercise of Her Majesty's Prerogative had been advised, and that the right hon. Baronet should decline stating those grounds he should bow and acquiesce in that determination; but he did not ask the question. Whatever were the grounds, he must say that prosecution for incendiarism was rendered almost useless in that county. The subject had been brought under notice in the other House, a few evenings back, and it was there stated, as was the fact, that the course pursued with respect to the two men he had named had placed the noble Lord, the Lord Lieutenant of that county in a position of great responsibility. It was the earnest desire of that noble Lord to treat the poor of the county with great kindness, and he was the more inclined to do so as such kindness would tend to mitigate the severity of the Poor Law. He would also state, that whether the outrages which took place in the county of Norfolk were on manufacturing or on agricultural property, it was the great object, as it was the bounden duty, of the Lord Lieutenant to keep the peace; but if he failed in that, or if his efforts did not give satisfaction to the Government, he was ready at once to place his high office in their hands without a murmur or without a sigh. He hoped the Government would bear the state of the county in mind. In a few days from the present he should be called to his county to act on the grand jury, and probably, when the calendar was examined and found very heavy, they (the jury) would have to hear a rebuke for not having performed their duty. The magistrates would do their duty—the

Lord Lieutenant would do his duty; but if that noble Lord were to remain, he (Mr. Wodehouse) would ask in his name, in the name of the high sheriff, in the name of the magistrates, but, above all, in the name of the agricultural population of the county—in their names he would ask, and what he was about to ask of the Government would, he was sure, be admitted to be only fair—it was, that justice should be fairly and impartially administered. They asked no more, they sought for nothing vindictive; all they sought, and they were fully justified in seeking it, was, he repeated, that justice should be fairly and impartially administered.

Sir *J. Graham* said, that he was placed in a situation of some embarrassment by the course which his hon. Friend had adopted. His hon. Friend had given notice of a question, and he had waited patiently for it, but no question came, that he had heard. There was indeed some not very clearly defined charge against him (Sir J. Graham) as to the manner in which he had administered justice in the department over which he had the honour to preside. If his hon. Friend anticipated that, he would have declined stating the grounds on which he had advised the exercise of Her Majesty's prerogative in the pardon of the two men who had been tried before Lord Abinger at the last Spring Assizes in Norfolk, he had judged most correctly; but, without stating those grounds, he would say that that advice had not been tendered to Her Majesty without a full consideration of the case, and without a firm conviction that the ends of justice would have been defeated if they had not been pardoned. As to the request made by his hon. Friend respecting the administration of the law, he begged to assure him that he had the most anxious desire that it should be administered fairly and impartially, tempering justice with mercy. Mention had been made of the name of a noble Lord—the Lord Lieutenant of the county of Norfolk. Now, in justice to that noble Lord, he must say that he had received from him the most valuable assistance in his efforts to preserve the peace of his county—that the noble Lord and himself had worked in a most harmonious manner—and that up to the present moment he was not aware that any feeling of dissatisfaction existed in the mind of the noble Lord on any subject connected with his high office.

RAILWAYS—ADJOURNED DEBATE.] The Order of the Day for the adjourned debate on the second reading of the Railways Bill having been read,

Mr. *J. Bright* said, that having given the Report of the Committee on which the Bill was founded the fullest consideration, and having read the Bill, and listened to the debate of the other evening with his best attention, he had been forced to the conclusion that the measure which proposed to give to the Executive such extraordinary powers in respect to all future Railways, was not conducive to the public interest. He had listened with much attention to the speech of the right hon. the President of the Board of Trade, and in that speech, extending as it did over more than two full hours, he could perceive no other purpose than an intention to disguise the real objects of the Bill rather than to explain them to the House. If he (Mr. Bright) had understood the right hon. Gentleman correctly, he stated that it was not intended to give any powers of purchase to the Government, or to include the principle of Government purchase in the measure, and that the Clauses relating to purchase had been introduced rather with the view of leaving the question open and Parliament unfettered, than to subject them to any decision at present upon that point. But the right hon. Gentleman also stated (though that was somewhat inconsistent with the other parts of his speech) that he conceived the question of purchase, or the power of purchase, was one of the most important in the Bill, and that if the House could be induced to come to an agreement upon that point, the remaining Clauses of the Bill were but of minor consequence, so much so, indeed, that the Government had not decided whether or not they should postpone them, or some of them until another Session. He found, then, and the Report of the Committee bore him out in his opinion, that this power of purchase by the Government was, after all, the most important feature of the Bill, and every one who understood the English language, and took the trouble to read the Bill through, could not fail to arrive at the same conclusion. Out of the forty-eight Clauses which the Bill contained, no less than sixteen related to this power of purchase, and of those sixteen, eight distinctly mentioned that power in terms it was impossible to misunderstand. Clause 7, which had been already alluded to, enacted—

"That whatever may be the rate of divisible profits in any such Railway, it shall be lawful for the Lords of the said Committee, if they shall think fit, at any time after the expiration of the said term of fifteen years, to purchase any such Railway, with all its hereditaments, stock, and appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company one calendar month's notice in writing of their intention."

Clause 8 had this passage—

"And the Lords of the said Committee shall exercise the option of purchase by this Act provided in regard to the Railway belonging to the said Company, within three years after the time when such revised scale shall have ceased to be in force, the amount of purchase money to be paid for the said Railway, in default of any agreement to the contrary between the Company and the Lords of the said Committee," &c.

Now, he could not conceive what meaning could be attached to these words, unless it was to sanction the principle of purchase, and give the Lords of the Committee the power of forcing agreements to purchase under the Act. In clause 9, again he found—

"And be it enacted that if the said option of purchase shall be exercised by the Lords of the said Committee in respect of any Railway, the Company from whom such Railway shall be purchased shall deliver up the same, with all its lands, tenements, hereditaments, works, and appurtenances, in a good and sufficient tenantable repair, with a good and sufficient stock of carriages, engines, horses, and other working stock, live and dead, for carrying on the ordinary traffic upon the said Railway, to the Lords of the said Committee, upon payment of the purchase-money thereof in manner hereinafter provided."

And Clause 12 ran thus—

"And be it enacted, that when any Railway, in respect of which the Lords of the said Committee shall exercise the said option of purchase, shall be under lease, the annual divisible profits of such Railway shall be estimated according to the provisions hereinbefore contained, in the same manner as if such Railway were not under lease."

So also as to Clause 14, he found it proceeded—

"And be it enacted that in the event of the purchase of any Railway by the Lords of the said Committee, under the provisions in this Act in that behalf contained, the purchase-money, or so much thereof as shall be payable under the provisions herein contained, shall be paid to the Directors of the Company of Proprietors of the said Railway, and shall be distributed by such Directors among the shareholders in the same Company, rateable according to their respective shares and interests therein."

In Clause 16 also it was enacted, that after the payment of the purchase money, &c. &c., the railway, with all its appurtenances,

"Shall belong to and shall by virtue of this Act be absolutely vested in Her Majesty in right of her Crown, and shall be taken to be part of the possessions and land revenues of the Crown within the survey of the Exchequer in England."

And so on through not less than eight Clauses of the Bill there was specific mention of the power of purchase; and if it was not intended to give the power, perhaps the right hon. Gentleman would be good enough to explain why so much of the Bill was occupied by enacting and describing that power, which was not to exist or be exercised at all. Let the right hon. Gentleman consider for a moment how Acts of Parliament were generally interpreted, and whether they were to be construed by their own words, or by the explanations given by the Minister of his intention when submitting the Bill to Parliament. The right hon. Gentleman knew very well, that if, fifteen years hence, the question of what was the true interpretation of the Act should come under discussion, it would be held that Parliament had sanctioned the principle of purchase, and that the application was merely a question of degree. This had been the case on other questions. Some years ago Parliament had sanctioned the principle of legislative interference with the hours of labour in factories. This year it had been proposed to carry that interference still further; and those by whom that greater interference was advocated, contended that the principle having been once sanctioned, the application of it was a question merely of degree, and not, therefore, important. The right hon. Gentleman had argued the other evening, that the Executive could not of itself buy up railways, but that Parliament must be appealed to on the subject, as Parliament would have to vote the money. They all knew Parliament would have to find the money, but they also knew that if this Act were passed, and Government bargained for the purchase of any particular railway, there would be very great difficulty, at a future day, in dissuading Parliament from finding the money to put into force the provisions of an Act deliberately sanctioned by the Legislature. Besides, in Clause 7, the right hon. Gentleman provided that only one month's notice of the purchase should be given, and was it to be supposed that this one month's notice would furnish sufficient time for the Parliament to inquire into the desirableness, and confirm the policy of the purchase of a railway? Would it not amount to this?—that the Executive would decide the question of purchase or no purchase; that having determined on the former, they would give the month's notice, and then come to Parliament for the money, expecting that it would be voted as a matter of course. He would maintain that this Bill did sanction the principle of purchasing railways by the Government. Whatever the intention of the Government was, no man could read the Bill without coming to that conclusion, and that was the conclusion that the Railway Directors and the public had come to. It would have been better, he thought, if the right hon. Gentleman had himself considered the full effect and meaning of those Clauses relating to the power of purchase, instead of asserting that those who had read them were wrong in the construction they had put upon them, and that they were influenced in their opposition to the measure by interested motives. He did not believe that the principle of purchasing these great works by the Government was one that was deemed by the public to be advantageous. It was altogether a new principle in this country. Private enterprise had done much for this country—much more than the Government or the Executive had ever done, and more than private enterprise had perhaps done for any other country. There was a wholesome absence of interference on the part of the Government in this country in all those matters, which experience showed might wisely, safely, and beneficially be left to private individuals, stimulated by the love of gain and the desire to administer to the wants and comforts of their fellow men. If, however, we were now for the first time to depart from this long recognised principle—if this great change proposed by the Bill was to be made, he wished to know upon what principle it was to be made, and why? No case had been made out hitherto for the adoption of the course proposed. The right hon. Gentleman had spoken of the charges exacted by the railways of this country as being larger than those of the Belgian and other foreign railways. And he had also spoken of the high profits and large per centage realised upon the capital invested. But there was no proof whatever, taking the gross amount of capital sunk, that anything like exorbitant profits had been made, perhaps not more than 5 per cent., and he doubted whether it was so much, taking all the railways together. From a statement which had been for some time before the public, and which, as it had not been contradicted, he supposed might be taken as correct, he found that four only out of the seventy railways in this country paid 10 per cent., one pays 7, two pay 6½, four 5, and all the other fifty-nine paid from 4 down to nothing. There was no proof, therefore, that railway proprietors were grossly exacting from the public, as was charged against them, or that the public were suffering from high charges and oppressive conduct on the part of the Railway Companies. The right hon. Gentleman had spoken of third-class trains. Now, no man more than himself wished that the working classes should have every accommodation on railways, and the full enjoyment of the improved means of communication which they afforded, but, in his opinion, to no class did the railways give (even under the present regulations) more facilities of travelling than the working classes. That this was the case in the manufacturing districts he knew, and no one who was acquainted with those districts would be of a different opinion. The right hon. Baronet at the head of the Government had adverted to the monopoly of the Railway Companies. The right hon. Baronet said:—

> "There was an impression now prevailing, that the railway interest was exceedingly strong—that the monopoly was a very powerful one—and that it was extremely difficult to propose any measure for controlling them. He (Sir R. Peel) was inclined to think that they were going too far, and that their monopoly might be very great; but he would advise them to husband their strength."

No less than four times in that speech had the right hon. Baronet charged the Railway Companies with being monopolists, and all the odium which attached to that character he had thrown upon them. Now, of all men, he had least expected to hear such a charge from the right hon. Baronet, who had not been usually so strongly opposed to monopolies, nor so courageous in the denunciation of them. The railway monopoly—if it were one—had conferred great benefits on the community; it gave them a cheaper and more safe mode of travelling. Even the Report on which the Bill was founded admitted the great benefits the railways had conferred upon the public; and yet the right hon. Gentleman had taken that Report on which to base a law for interfering, in the most extraordinary, unprecedented, and, as he (Mr. Bright) contended, uncalled for way, in the whole management and regulation of railways and the profits of their proprietors. Now he found from a published statement which had not been disputed, that within the year 1843, 70 railroads constructed at an outlay of 60,000,000*l.*, had conveyed 25,000,000 passengers 330,000,000 of miles, at the average cost of about 1¾*d.* a mile, and with but one fatal passenger accident. It was most unjust, therefore, to charge against these great establishments the odious term of monopoly. There were no establishments in this country carried on with such admirable management and arrangement as the railroads. There was nothing in the Government establishments which could compare with them in the nicety and admirable propriety of their management. Government ships were not so well arranged. No person who went in Government packets could say but that the conduct and accommodation which he met with on board those packets was not inferior to what was to be met with in packets under the management of public companies. Again, the management of the Post Office was not such as would justify them in placing in the hands of the Government the conveyance of passengers. What a long time had passed before a reduction in the rate of postage was obtained; and how long since had hon. Gentlemen opposite ceased to rail against the penny postage? At that very moment the mails from London to Manchester were sent by a roundabout circuitous way, instead of going by a way which would convey them an hour earlier; and though representations had been made by the Corporation and Chamber of Commerce of Manchester over and over again upon the subject, no remedy had been provided. He was convinced that if under this Bill the management of railways should devolve upon the Government, it would not be long before the public would deeply repent having entrusted them with such a power. But there were other questions besides those of economy connected with this subject. There was the constitutional question whether it were fitting that any Government should be entrusted with the enormous amount of patronage which this Bill, by giving them the control of railways would place in their hands. The London and Birmingham Railway alone employed from 1,500 to 2,000 persons, with salaries varying from 70*l.* to 1,000*l.*, and they spent more than 200,000*l.* for wages, stores, tools, and a variety of other expenditure. The Great Western Railway must pay more than this even, and the whole of the railways together paid an amount that was enormous; and if the management of these establishments—the expenditure of these large sums of money, and the patronage of so many appointments, were to be placed in the hands of the Executive Government, would it not give them a great and dangerous influence over the various electoral bodies, and affect the freedom of the constituencies of the country. Would not the power of conferring 1,500 or 2,000 appointments between London and Birmingham, with salaries varying from 70*l.* to 1,000*l.* a year, naturally give Government a very powerful influence over the constituencies of those places, and of every borough near which the railway passed. See what was the case already in regard to the Post Office patronage. He (Mr. Bright) was at Kendal on the day of the last election, and was then informed that the guard of the mail coach, on passing through that town, was taken from the coach, and compelled to vote for the Government candidate, to whose political opinions it was known he was opposed. Where, then, would be the independence of the constituencies, if the Executive Government had the railways under their control, and employed the patronage which would thus devolve upon them as they too frequently did in other cases? The same effects which now resulted from their influence in such places as Rochester, Pembroke, Devonport, and elsewhere, would exist in every borough through which a railway passed. And if the system which was found to be so prejudicial to the independence of the constituencies in those towns in which it was now exercised, was to be extended to almost every town in the kingdom. There was nothing in the shape of reduction of fares, that could at all compensate the public for the injury that would be thus inflicted upon the country. He wished to see a powerful Government — powerful in the opinions of the people, but not in the amount of patronage at its disposal, and the number of places it could hold out as rewards to those who supported them at elections. He was prepared to contend—and the experience they had had proved the fact—that the evils attending railways, as now managed, were very small indeed, and the inconveniences to the public of rare occurrence. To no one had railways been of greater advantage than to himself. For the last two years he had travelled as much by railways as any man, and for civility, propriety of conduct, safety, convenience, and fairness in every respect, he could say that no establishments in this or any other country could stand a comparison with the railway establishments of England. But even if there were some evils, the remedy proposed by the right hon. the President of the Board of Trade was an inefficient one. It was well known that Government Establishments were worse managed than any others, and less in harmony with the wants and feelings of the people. But beyond that the constitutional principle of the Bill was a dangerous one, and he should oppose it upon that if there were no other ground of objection. There was another point to which he would advert in a few words, viz., the revision of fares. He admitted that when Railway Companies had the power conferred on them by Parliament to pass over everybody's land, and take people's property for the public advantage, they might be properly called on by Government to submit to some regulation; and he was not prepared to say that a revision of the fares charged was not one of them. But unless care were taken the application of the power might be attended with considerable danger. By the Bill seven years was the time within which no revision of fares was to take place; now that, he thought, might be a dangerous provision, as preventing those improvements by which the public would in the end benefit. He knew a case in point. A friend of his (Mr. Bright) had an improvement in railway wheels, by which the great wear and tear which, as now constructed, they were subject to, would be in a great degree avoided, and of course the expense of working them diminished. Suppose any railway, whose profits were at, or approaching to, 10 per cent. should be desirous of taking up that invention, they would not think it prudent to do so, because, if the saving should increase their profits beyond the 10 per cent., the Government would have the power of interfering to compel them at once to diminish their tolls or to surrender their line. If, however, the term were fifteen or twenty-one years, instead of seven, the Company would feel justified in making the experiment. He thought, however, that there would be no difficulty in making arrangements with the Railway Companies as to the revision of tolls, if that were the object desired; he was not authorised to say as much, but from what he knew of these Companies, he was sure there would be no difficulty on that point. But if the right hon. Gentleman was anxious to give the Board of Trade the power of purchase, merely as a threat *in terrorem* to force the Companies into agreements with the Board of Trade, he would assure the right hon. Gentleman that he altogether mistook the character of those bodies. He knew they would rather meet the Board of Trade now on the subject than after the Bill should have passed. Now, as to the third class passengers, he lived upon a line that had a greater third class passenger traffic than any other—that was the Manchester and Leeds line. No population in any district had derived so much benefit from railway communication as that amongst whom he lived. Some objections had been urged, he believed, against this railway at its first establishment, with regard to the accommodation afforded to third class passengers; but there had been great improvement of late years, and the Directors had become convinced that their best interests were identified with those of the public, and that the greater the inducements they could offer to all classes to travel by their line the greater was the profit to the proprietors. He would suggest to the Government, as there were other means of obtaining all the control that was necessary for the public interest over railways, that the Government should abandon this novel and obnoxious principle of purchase. Under all the circumstances of the case, and considering that the Railway Companies had expressed their willingness to meet the Government fairly and openly, he thought the Government would do well to consent to postpone the measure until next Session. In conclusion he would make one remark on the tone adopted by those who had spoken in favour of the Bill. He must say he did not think it right to cast a slur on railway proprietors with respect to the opposition to this Bill. It was most unfair, and it was not true that the opposition to the measure was based on sordid and mercenary motives, and was confined, as had been stated, to agents and others who transacted railway business in Parliament. The opposition was general, and rose from an apprehension which was increased by the anxiety of the Government to press on the Bill at that late period of the Session, when it had been so short a time before the public and the parties interested. To the Railway Companies he, for one, entertained a feeling of gratitude he was not able to express: if he thought they had done wrong, he would not ascribe it to a tendency to do wrong, but to one of those errors to which all men and all bodies of men were sometimes liable. They were, no doubt, liable to error, but on all occasions they had evinced a laudable anxiety to do right. The charge of monopoly, as against these bodies, was most unfounded; they had none of the vices of monopolies about them; on the contrary, they were amongst the greatest benefitters of mankind. Monopolists never benefitted the public, and he would call upon the right hon. Baronet (Sir R. Peel) and his friends around him, when they charged the Railway Companies with being monopolists, to look about them and see if there were not other monopolies of a much worse character which were much more deserving of his attention. He had no wish to go into other questions, but he desired simply to defend those whom he believed to be amongst the most useful and meritorious body of men. These were his views; and, after considering the subject fully, and reading with attention all that appeared in the Report of the Committee, he had come to the conclusion that the power of purchase was bad in itself, and not to be tolerated; and as to the minor parts of the Bill, if those only were necessary, it would be far better to postpone the measure until another Session, when the Railway Companies would be prepared to meet the Government on fair and equitable terms. Under these circumstances, he should vote for the Amendment, that the Bill be read a second time that day six months.

Lord *Seymour* having been a member of the Railway Committee, was anxious to state the grounds on which he should give his vote for the second reading of the Bill. All the Committees that had been appointed to investigate the subject of railways had come to the unanimous opinion, that the interests of the Railway Companies were not so identical with the interests of the public, that the public were to be left entirely at the mercy of the Companies without their being subjected to any control whatever. The whole system of rates and fares which was introduced into every Railway Bill was a proof that Railway Companies could not be left uncontrolled, but that some degree of control was necessary. Then, if control were necessary, he asked, was that control to continue the same in degree for ever,—was it to be permanent, and for all future time, and was there to be no means of revision? He wished to know, as every Railway Company came to that House for powers to interfere with property, to take away the grounds of the rich and the poor, to deprive many parties of land for which no adequate compensation could be given, and interfering in a thousand ways with the private rights and all the associations connected with those rights,—whether it was not just and fair that the public should be guaranteed certain advantages? After suffering their ground to be taken would they let them have no share in the benefit? On that ground he thought there was a right of revision over Railway Companies. He could not, however, conceive that any interference would be just to those Companies, except that which considered the amount of their profits. He thought not only their expenditure, but their profits should be considered, or else they would unjustly deprive men of a return for the outlay of their capital. He admitted it would be possible for some Companies so to adjust their expenditure as to limit their profits to 10 per cent. and thereby prevent the interference of Parliament. He thought the Government should have the option of purchasing the railways in such cases; he knew of no other way in which the power of revision could be secured and rendered effectual. It was said that the interests of the public could always be trusted to the interests of the Companies, that the Companies could always adjust their charges so as to give the greatest amount of accommodation. The contrary had been proved in every case. It had been constantly and repeatedly shown that the profits of Railway Companies were not identical with the accommodation they gave; that it was to their advantage to carry a few passengers at a high rate of charge, instead of a greater number and at a low rate. On that account, he said, revision became necessary, and for that reason Parliament must provide that the public should have a share in the benefits which accrued from railways. With respect to the principle of the Bill, which made a particular provision for the interests of the poor, he was of opinion that all in that House were agreed the moment had arrived at which an attention to their wants and interests was necessary. The main principle of this Bill was to establish future revision by Government; the rest of the Bill consisted of the machinery which was considered necessary to carry out that principle; and if, when they got into Committee, any better means could be found by which that revision could be secured, so that the public might gain the benefit they were entitled to, he should be most willing to give it his cordial assent.

Mr. *Bernal* said, this measure was so peculiarly important on many considerations, that he could not refrain from delivering his sentiments upon it. He would have passed by all those attempts at insinuation which had been thrown out, that every Gentleman who had felt it incumbent upon him to express dissatisfaction with the principle of the measure had an interest in some Railway Company; but he thought it a ridiculous principle, that where an hon. Member was disposed to object to any particular measure, his vote, or his speech, or his sentiments, should be challenged as proceeding from personal interest. He thought railway proprietors might well give the results of their experience and state the information they had acquired for the benefit of those Members who had not turned their attention to the subject. He therefore, felt it necessary to apologise, when he declared, that he did not possess, nor ever possessed any share or interest in any Railway Company whatever. This was one of those Bills the principles of which must be considered in its details. There were three principles contained in it: first, the power of revision over particular railways hereafter to be constructed; then, the power to be given to the Government of purchasing any particular line; and, lastly, that which proposed to make it a popular measure, the giving a facility to the poorer orders for travelling in third class railway carriages at a reduced fare. As far as he was acquainted with the sentiments of the House, there seemed to be no one adverse to this popular principle. Though he agreed that accommodation should be provided for the poorer classes of our fellow-subjects, that proper third class carriages should be provided for them, and that the scale of fares should be moderate, still he thought they ought not to declaim all at once against Railway Directors, accusing them of being misers, extortioners, and men grasping for profit. He would ask, how were the humbler ranks provided for previous to the introduction of railway travelling? How were they provided for outside stage coaches? And as to their facilities for travelling, when he recollected the old heavy waggons on the Dorchester road, or the North road, he did not know any class of society who had been more directly benefited by the institution of railway than our poorer brethren. Labourers and persons of small resources, had formerly but very limited means of transport, beyond those afforded by mere walking. Moreover, artizans and others, condemned by their occupations, to the fatigue, confinement, and deteriorated atmosphere of densely-crowded habitations, were now, by the cheap and occasional facilities offered by different Railway Companies, enabled to partake of the advantage and amusement of excursions, which hitherto had been utterly denied to them, as if they had been, as it were, the privileges of only their more opulent fellow-subjects. Now, he would go to the main point of the Bill—namely, the principle of giving any future Board of Trade, or any future Government, the option of purchasing any line of railway; a principle which he termed one of centralization. Now, he asked hon. Gentlemen, when they considered the great improvements that had taken place in this country, all of which were the result of private speculation—when they looked around them and considered the private undertakings, when they looked at the grand result of the whole computed by its details, he asked, whether this principle of centralization which was calculated to stop all private speculation, would limit the enterprize and the prosperity of the country? This principle, it was said, was to be introduced after a lapse of fifteen years; but, he said, they ought to look at the measure as if it was to commence to-morrow. The Board of Trade might come down upon any unfortunate Railway Company, the benefits of which might have been reduced to 5 per cent. Such a power as that he decidedly objected to. When the railway question was first mooted, there might have been a culpable degree of negligence on the part of the Government; they suffered the thing to take its course; but what they now proposed to do was to crush in the bud the rising hopes of the proprietors of those railways which were just commencing.

From communications that he had received he understood many Railway Companies had been embarrassed by the sense of coming danger, or by the suspicion of a sense of danger. He asked, then, what was the monopoly so dreaded? Did the Government propose to interfere with the Great Western Railway—or with the South Western Railway — existing monopolies? No; all they proposed by the Bill was to interfere with any present established railway, when any branch line should be constructed—they only wished to catch them in the net they had been making. Now, as to this additional power which the Government would be invested with, onerous as the cares of the Government were at that moment, could they suppose they could conduct ten different lines of railway, with boards, clerkships, and other contingent patronage—were they to imagine that a body of clerks, sub-clerks, agents, and sub-agents, all under the control of the Board of Trade, would not exercise an enormous influence over the elections of the country? With respect to the revision of the railway fares, he was informed that some of the Companies were anxious to have this supervision over their finances established, whilst others were suspicious of the interference of the Government, and refused to admit such a principle as that of subjecting their financial affairs to public inspection, such as that would prove to be. There were, however, weekly returns made at present of the traffic and number of passengers on the different railways, and these were published in the different papers. With a little extension, these returns might be made the means of an harmonious arrangement between the Board of Trade and the Railway Companies for coming to a periodical settlement of the accounts. But the Bill now before the House was not likely to produce those harmonious effects; it had excited suspicion, alarm, and dislike amongst the Railway Companies; it had occasioned a great deal of distrust among the embryo Railway Companies; and many projected lines would be completely checked by its effects. The right hon. Gentleman ought to be aware he had taken a most dangerous step, and it was no excuse for him to allege, as he understood might be alleged, that the origin of the measure did not rest with the Government, but that a measure similar in principle to the present had been found in the department at which he was the head, and which had been sketched out by the predecessors in office of the present Ministers. The Bill in its present shape, was objectionable under every aspect in which it could be viewed, and he therefore would offer it his hearty opposition.

Mr. *Colquhoun* said, that he was prepared to defend the vote which he had given on a previous occasion with respect to this Bill. He objected to the tone which had been assumed by his right hon. Friend the President of the Board of Trade. He did not complain of the allusion made to himself by his right hon. Friend, but he complained of the allusion which he had made to an independent set of Gentlemen in that House, whom he had described as being the unconscious instruments of crafty designing persons out of doors. Surely his right hon. Friend could not think that such men as the hon. Member for Reading and those hon. Members who acted with him —that such men as Mr. Saunders and Mr. Hudson, whom his right hon. Friend praised so much—surely he could not think that when such men as these—men of ability and capacity—met to express their strong opinions against this Bill that they were the unconscious instruments of crafty and designing agents out of doors. His right hon. Friend had said that after the course that had been pursued—after the manner in which the opposition to this Bill had been got up, he would not consent to postpone the Bill, and his right hon. Friend had turned to him (Mr. Colquhoun), and asked him if he had read the third Report of the Committee, and his right hon. Friend had said that the third Report was a short Report, and had been laid before the House months ago. Now, he had read the third Report so far back as April last, and if he were to show to his right hon. Friend the marginal notes which he had made on it, he was sure that his right hon. Friend would consider them to be rather plain than complimentary. There were parts of the third Report to which he had not the least objection, but there were two principles mentioned in that Report which called for that strong expression of opinion which they appear to have elicited. His right hon. Friend had asked him why, if there was anything in that Report to excite alarm—why had there been no stir—why had there been no move until now? The answer to that was plain, they all knew that there were many Reports—many of them very bold Reports indeed,—which slumbered in the Library, and lay there entombed in perfect silence, stirred by nobody. Now, he believed, until this Bill was brought forward that nobody thought that any measure would be founded on that Report. His right hon. Friend had said, was it not surprising that if this measure was so objectionable, that persons connected with railways had, until now, made no stir in the matter. Now, nothing could be more unwarrantable than for his right hon. Friend to come to that House, and with imperfect information on this point, to mislead the mind of the public. As early as the 29th of June the railway press had protested against the principles embodied in the measure. Week after week, long before the appearance of the fifth Report, the *Railway Chronicle* had been circulating warnings with respect to the recommendations of the Report. [The hon. Member read an extract from a number of this paper of the 29th of June, which contained a warning with respect to this intended measure, and referred to similar warnings which had been previously given by the same paper.] Yet, notwithstanding these repeated warnings, his right hon. Friend seemed to tell them that nothing had been sounded into the ears of the Government with respect to this Bill but the harmonious sounds of public approbation. His right hon. Friend said, that, were he to postpone this measure, twelve months hence, there would be a still stronger opposition to it than at present. Why, what did this prove? If the fears and doubts of those who opposed the measure were groundless or exaggerated, a year's time would have the effect of dissipating or allaying them; but if they would not be so dissipated and allayed, would not that be an additional proof that they were neither exaggerated nor groundless. Surely, if misrepresentations had been circulated respecting this Bill, these misrepresentations would be put down by free discussions. If his right hon. Friend was satisfied that in a year hence the opposition to this Bill would be stronger, was it not a proof that there was something in the principle of this measure calculated justly to excite disapprobation? He had been informed that the hon. Member for Manchester had intended to bring forward a Motion on this subject with the concurrence of the railway proprietors, but he understood that the hon. Member for Nottingham, on his own responsibility, and without communication with the railway proprietors, was to make a Motion. Therefore, so far as the railway proprietors were concerned, they would not be responsible, and he was sure that the hon. Member for Nottingham would see that on himself alone would rest the responsibility of his Motion. His right hon. Friend had stated that it was a farce to say that this measure had given a shock to railway property, and he said that he would be able to show that since this measure had been brought forward railway shares had risen; and his right hon. Friend, with his usual ingenuity, had cited in proof of his assertion that the Great Western shares had risen in value some hours or days after the railway deputation had had an interview with the Government, and had ascertained its intention to proceed with the Bill. This was a very inconclusive mode of arguing, for suppose he were to take the converse side, and to assert that the measure had operated most injuriously on the railway community, for the Caledonian Railway shares, which had been at a premium of several pounds per cent., before its promulgation, had sunk to a discount after the Government's intentions had become public, whilst the Lancaster and Carlisle Railway shares had been rapidly falling from the same cause,—this mode of argument would be manifestly unfair, for neither in the latter any more than in the former case, had the Bill produced any effect, the rise in the value of the Great Western Railway shares having been produced by the failure in another place of a Railway Bill, calculated to oppose the traffic of that line of road. Besides this, the state of the share-market could not be fairly adduced as systematic of public feeling with respect to a Bill under consideration, for that market was governed more by the exigencies and contingencies of capital and by the state of the money-market than by any other cause, and he might, with just as much reason, tell the right hon. Gentleman that he ought to withdraw his measure, because a broker had informed him the share-market was dull, as the right hon. Gentleman could tell him that the Bill ought to pass because Great Western shares had risen in value. He would now read what the *Spectator* newspaper said upon this subject, and he thought that the opinions of a calm, disinterested and enlightened observer was entitled to attention. [The hon. *Member* proceeded to read an extract from the *Spectator* newspaper, in which the writer stated that 56,000,000*l.* of railway property would be subject to the operation of this Bill, and said that if the projectors of those railways could have anticipated that regulations of this sort would be adopted, few, perhaps, of the present railways would have been executed.] The Bill before the House had two great objects,—one to give the Government a right of revision, and the other to invest it with a right to purchase. [Mr. *Gladstone :* The Bill gives the Parliament, and not the Government, the right to purchase.] The remark of the right hon. Gentleman was wide of the argument which he was about to sustain. He would put a case, and suppose that in the year 1834 the Government of that day had brought forward the Poor Law Amendment Bill, with all its machinery complete, with the exception of giving a power to levy money for the poor-rates, and had called upon the House to pass that Bill, which would, to all intents and purposes, be wholly inoperative and dormant; but suppose that, in the following year, the Government had come down to the House, and by one vote obtained the power of levying a poor-rate, in that case the whole of the dormant machinery of the Poor Law Bill would have been at once called into action. When the Government, therefore, brought forward the present Bill, he contended that a most important step towards an act of legislation of the nature he had pointed out had been taken. Whether that step was for good or bad, if the Bill were passed, the country would be upon the threshold of the experiment to which he had referred. All that would then be necessary to complete it would be, for the Minister to come down on a supply night with an estimate ready prepared for the purchase of a railway, and to tell his supporters that the question was one upon which the Government staked its existence. He made these observations without any reference to recent events; he spoke from a conviction that he was only anticipating the course that would be followed, and he asserted, that in the contingency to which he had referred, the Government would have the unlimited power of purchase, and that it would, moreover, always, in its supporters there, secure an advantage in dealing with every particular case which no individual Railway Company could ever hope to have. In many cases it was obvious that they would have a very large majority, and that an important decision would be placed at the peril of a single vote of that House, proposed in Committee by the Government, upon an estimate, and only opposed by a slender and divided opposition on the part of individual Members not immediately personally concerned. If once, under such circumstances, they let the Board of Trade open the door to all the power and patronage which would follow, there would be no knowing where the Government would stop. No doubt they were fully alive to their interest. It was remarkable that not only the present President of the Board of Trade, but also the ex-President, influenced no doubt by old official feeling, were both the most strenuous advocates of the measure. He said that under such circumstances it would be most dangerous to pass any measure of this sort upon which they had not at least many months to deliberate. They talked of "monopoly." It was obvious that all Companies with a large amount of capital were difficult to compete with; and it was also obvious, that with respect to any sort of competition with them there was always a tendency to compromise on the part of the rival interests. The Water Companies of the metropolis were an instance of this. They always began by quarrelling with each other, and, as a shareholder had remarked to him the other day, they invariably terminated their squabbles by some arrangement injurious to the public; but still competition was the clear remedy of all such grievances. Why were the charges, for instance, of the London Dock Company so reasonable? Because they knew that if their charges were excessive, there was a certain margin of profit which would induce other Companies to embark in rival speculations. If Parliament found that in the case of a railway—the Grand Junction, for instance—a Company was charging inordinate fares, it was competent for Parliament and the Government to interfere with a view to favour by its sanction some competing line. What would be the consequence? Long before the new line was completed, the old one, most probably, would adopt an equitable scale of charges. The argument of monopoly, therefore, was a bugbear, and afforded no reason for the introduction of such a Bill as this. But, further—he thought parts of the Bill likely to operate injuriously. Let it be recollected that a Government might, under this Bill, take a railway into its own hands, reduce its charges until it became unprofitable, and then throw it back, a ruined property, upon the hands of its former managers. Again, a railway at its outset might perhaps be so restricted that it would only pay a dividend of 2 per cent., but at the expiration of a certain time, in consequence of a confluence of branch lines, and from other causes, it might become profitable. Nevertheless, the Government, under this Bill, might take the line into their own hands at the original value, and, perhaps, in a time of great and general depreciation in the securities might throw a number of its shares upon the money-market, to the injury of numerous individual interests. The right hon. Gentleman the President of the Board of Trade, said he would sooner hear the Gracchi talk of sedition than railway proprietors talk of competition; but he (Mr. Colquhoun) would sooner hear the homilies which Robespierre used to deliver on religion than the Government proposing schemes to take mercantile enterprises into their own hands. The experiment had been tried over and over again; and, from the King of Holland, who turned sugar dealer, to our own Government, it had only proved this, that Governments had no business to interfere in mercantile concerns. Mr. Laing, in his examination before the Committee, stated his opinion that where railways were profitable concerns, the Government might purchase them; and from that the House was left to infer how very sanguine an opinion of profit the Board of Trade entertained upon this subject. But Captain Lawes proposed that the Government should buy up all the railways in the country, saying there would be great economy in the management and great saving of expense, and he calculated that saving at 25 per cent., but afterwards reduced it to 10 per cent. Then the same Gentleman seemed to be afraid that some parts of the country would have no railway communication at all unless the Government took it in hand; but that was in the face of the most notorious fact, that in Belgium they were obliged to travel immense circuits because the Government ran their lines only through those parts of the country that were profitable, and left the other parts untouched, but which private enterprise would enter and be satisfied with a moderate profit. Captain Lawes also proposed, that private Companies should construct the railways, and then the Government should step in and purchase them. In answer to a question from the right hon. Gentleman the late President of the Board of Trade, whether he thought that ultimately all railways would come into the hands of Government, his answer was—"Quite so." And when the right hon. Gentleman further asked him whether he thought there would be a sufficient inducement for private parties to make these railways if they were allowed to keep them for a continuance in their hands, his answer was to the same effect. Such was the theory of that hon. Gentleman. It must be remembered that Railway Companies started at a time when all landed proprietors were strongly opposed to them—when all had a perfect dread of railways being near their property; and then let them consider the expense of railways in this country as compared with those of Belgium and France. In those countries, if they wished to run a line of railway across the kingdom, they could do it with no other expense than that of construction; but, in this country, they were obliged to go backwards and forwards and take the most extensive lines to avoid various estates. It was quite obvious that Railway Companies were put to great expense by that process, and they must remember likewise that, fourteen or fifteen years ago, they had not the same things which they now have in their favour. Why, the Eastern Counties Railway cost as much as 10,000*l*. a-mile for the purchase of land, in consequence of the enormous sacrifices they were obliged to make to the proprietors of land through which the railroad ran. Parliament had entailed great expenses upon these Companies, and yet they would now turn round upon them, and say, "You have incurred a vast expense of 32,000*l*. a-mile on the average (the cost in Belgium being only 17,000*l*. a-mile), and now we will take them into our own management." To say that, was to forget the elements of expense which they themselves had occasioned by their own Parliamentary arrangements. Let them remember, too, that in the United States railways did not cost more than 4,000*l*. a mile, and yet with our enormous expense of construction, our fares on goods and passengers were lower than those which were charged in the United States. It was the same in the case of the French and Belgian railways; and yet they proposed to substitute for the present system a Government system, which they said was wise and cheap. The hon. Members for Finsbury and Coventry said, by this measure they would obtain public economy and public advantage. But had those hon. Members looked into the state of things in Belgium? In that country the capital for making the railroads was borrowed at 4 per cent., and they received only a dividend of 2½ per cent.; the other 1½ per cent. being made up by public taxation. If their railways had cost the same as ours, then they would have received only 1½ per cent., and the other 2½ per cent. must have been made up by a tax upon the public. Suppose that system had been followed here when railways were first made, the Chancellor of the Exchequer would have had to ask of the House a vote of 2,000,000*l.* to make up the deficit in the railway communications of England, and the public would have been taxed to that amount, in order to obtain that economy of fares which some hon. Gentlemen so anxiously sought for. Upon those grounds he objected to this Bill; and, if it were carried, he could only anticipate that which they had all condemned—a competition between the Government and private companies so unfair, so intolerable, so ruinous, to railways, so unjust to the public in the long run, so unfair to all classes, so full of patronage, corruption, jobbing, and mischief, that he could not consent to give any other vote than the most direct negative to the second reading of this Bill.

Mr. *Wallace* said, that when he looked to the railway map and saw how England was networked over, and that the same thing was fast extending in Scotland, he thought the time was come when Parliament ought to interfere, and he gave the Government every praise for having boldly interfered by introducing this measure. He would refer to statements, which would show at what expense third class passengers were conveyed, and he believed the House would then see how necessary it was that some changes in the present system should be made in respect of that class of passengers. He found the following remarks on this subject, in that influential journal, *The Times.* [The hon. Member read several extracts from the article to which he alluded, and which were to this effect: —That communications had been received from several correspondents, imploring the conductors of *The Times* to advocate the cause of the poorer class of railway travellers; that it appeared that the directors of all the great lines of railway were as parsimonious as they could be in providing accommodation for the passengers by third class trains; and that this parsimoniousness was manifested in a greater degree on the Great Western Railway than on any other line. After referring to several statements as to the time occupied in performing journeys by third class trains, the article stated, that unless those facts were satisfactorily explained, the result must be to bring such undertakings within the managerial scope of the Board of Trade.] Much had been said of the influence exercised by public opinion in bringing Railway Companies to their senses; but, although these remarks appeared in *The Times* in the early part of last winter, no change had taken place. He found from *Lloyd's Weekly Newspaper*, that on the Birmingham and Gloucester Railway third class passengers were not provided with seats, nor was luggage allowed to be placed in the third class carriages, lest it should be used for seats; while the Manchester and Leeds Railway Company thrust goods of every description into the third class carriages, leaving the passengers to shift for themselves. He could show the House that there was a systematic plan of conveying second and third class passengers for a certain distance on railways, and then of "dropping" them, in order to induce them to proceed by first class carriages. [An hon. *Member* moved, that the House be counted, but it being found that more than forty Members were present, the business proceeded.] He would now state to the House the rate of fares for 100 miles, charged by several Railway Companies for third class passengers. On the Liverpool and Manchester Railway the fares were 16*s.* 8*d.* per 100 miles; on the London and Birmingham Railway, 12s. 8*d*,; on the Great Western, 10*s.* 4*d.*; on the Dublin and Kingstown, 5*s.* 6*d.*; on the Manchester and Leeds, 8*s.* 4*d.*; and on the Glasgow and Greenock, 2*s.* 3*d.* The rate per mile by the third class carriages, was, on the Liverpool and Manchester Railway, eight farthings; on the North Union, seven farthings; on the Newcastle and Carlisle, seven farthings; on the Grand Junction, seven farthings; on the London and Birmingham, six farthings; on the Eastern Counties, six farthings; on the North Midland, six farthings; on the Lancaster and Preston, six farthings; on the London and Blackwall, four farthings; London and Greenwich, four farthings; Midland Counties, four farthings; South Eastern, three farthings; Edinburgh and Glasgow, three farthings; and the Glasgow and Greenock, one farthing. He hoped that the working men of this country would not cease to petition Parliament until they obtained safe, and comfortable, and cheap conveyance by railways, and were allowed to take with them a reasonable quantity of luggage. Hon. Gentlemen would see, from the list he had read, that on the Glasgow and Greenock Railway third class passengers were conveyed at the rate of one farthing per mile; and that Company found that their conveyance was attended with so little expense that they expressed their pleasure that it was in their power to do a great amount of good, while they were obtaining a return for their capital; and intimated that they would be glad to convey a much larger number of passengers at the rate of a farthing per head per mile. He wished to call the attention of the House to the course which had been adopted by the Liverpool and Manchester Railway Company. That line of railway was opened in 1830, and its extent was thirty miles. In the first instance the first class fare was 5*s.*; it was then raised to 6*s.*; and at the present time it was 7*s.* The second class fare, when the railway was opened, was 3*s.* 6*d.*; it was afterwards raised to 4*s.* 6*d.*, and now it was 5*s.* Such was the liberality of the Directors of that Company that there was not a third class train running between Liverpool and Manchester. The working classes might travel between Glasgow and Greenock at the rate of a farthing a mile, while between Liverpool and Manchester, they were compelled to pay 2*d.* a mile. He found that two of the witnesses who gave evidence before the Committee on whose Report this Bill was founded—Mr. Baxendale and Captain Lawes—had recommended the conveyance of large numbers at low fares in preference to the conveyance of small numbers at high prices. He (Mr. Wallace) fully coincided in that opinion; and it was with a view to promote competition that he gave his support to this Bill. He was decidedly in favour of competing lines; and he could not conceive how any objection could be entertained to such competition. He thought the fair remunerating return that might be expected by railway proprietors for their capital was 6 or 7 per cent. The proprietors of the Liverpool line, however, received 12 per cent, and they had laid out large sums on the erection of expensive hotels, which were of no service whatever to the poorer classes of passengers, and for the support of which they ought not to be called upon to pay. He thought no reason could be shown why they should not have a competing line of railway to Liverpool. He believed that in many cases it was so contrived that trains on the connecting lines between different railways should not meet at the stations; and the consequence frequently was, that unless the second and third class passengers chose to pay first class fares, they were subjected to considerable delay. He understood that this practice prevailed on the Dover and Folkstone line. He believed, also, that a systematic opposition had been adopted to the conveyance of the mails at the cheapest rate, and in the most expeditious manner. In 1837, a Committee sat on this subject. He, and if he was not mistaken, the noble Lord opposite (Lord G. Somerset), sat upon that Committee. The Committee to which he referred came to the conclusion that it was expedient that power should be given to the Post Office authorities to run their own engines on any railway, with a train carrying a limited number of passengers, without being subject to the payment of tolls. He was always an advocate of that system. He considered it necessary, in order to prevent any abuse, that the profits derived to railways with respect to the mails should be subject to proper control. If he had any complaint to find with the Bill, it arose from the circumstance of the measure not going half far enough. He would wish the Bill to deal immediately with existing railways. He should be glad to see the Bill extended, taking by valuation any line of railway, as they did other species of property. He should like to see the experiment tried on the railway between London and Liverpool, or between London and Dover. He had no particular predilection as to which. He should have no objection if the Government made a line for themselves, in order to facilitate the communication between England and Ireland. He would support any one of these plans, if brought forward immediately. He believed that the matter had been brought under consideration in a manner calculated to excite the notice of the country. He did not care whether the railways were placed under the control of the Board of Trade, or any other Board, he did not care by what name they called it. He trusted soon to see the present system altered for one more consonant with the feelings of the country. He should give his cordial support to the present Bill.

Mr. C. *Buller* wished to state the grounds upon which he should give his decisive opposition to the Bill. Having formerly expressed an opinion that railways might become subject to general management, and the altered state of circumstances having induced him to come to a different conclusion, it would not become him to speak with asperity of those who still entertained that opinion. Still he must remark upon the extraordinary tone of imputation towards others, and of self-laudation as regarded the Government, which had been assumed by the right hon. Gentleman the President of the Board of Trade, in his last address to the House. It would appear from that speech as if the opposition to the Bill had been got up with the most basely interested motives by a considerable number of Railway Proprietors in that House, and by their parliamentary agents, whom the right hon. Gentleman appeared to regard as his most formidable opponents, and that the only virtuous and patriotic body concerned was the Government, who were solely actuated by that which the right hon. Baronet sometimes told the House was the only consideration that entered into his mind—"a sense of duty"—and that they stepped forward now only to protect the public against a mass of interested parties leagued against them. He (Mr. C. Buller) had heard a good deal of this tone of self-laudation on the part of Her Majesty's Ministers, and he was sick of it. Even if the present Government were right in stating themselves to be in opposition to private interests against the public good, still he could not help contrasting their present conduct with that during their ten years of opposition. He could not share in those feelings of animosity and suspicion towards Railway Proprietors which were so readily avowed by some hon. Gentlemen. He could not view them as public enemies, as the right hon. Gentleman assumed them to be. Whenever he (Mr. C. Buller) travelled by a railway in by far the most comfortable public carriage he had ever travelled in, at three times the rate of speed that had ever been attained on a common road, and at the same rate of expense that used to be charged in a stage coach, he could not but think that Railway Companies had done good service to the country, and deserved respect and thanks. It would not be well rashly to interfere with so great a benefit as the railway system. It was undoubtedly the greatest addition to the comfort and convenience of the people that had ever taken place in our times. It was very easy for the hon. Member for Greenock to retail stories against Railway Directors, or particular shareholders. No doubt there were evils in the management of the present system, but were there no evils in the system that was proposed to be substituted? He regarded those evils as so great, that it behoved the House to consider the subject attentively, before they sanctioned any interference. But his great objection was, the being called upon to legislate upon such a subject in such a hurry. Were they to throw aside all considerations of the necessity for mature deliberation and full information before deciding upon interfering with a very important interest? Were they to throw aside these considerations, and adopt any plan which, at this period of the Session, the Government might choose to put forth? There had been, he admitted, other important subjects sufficient to occupy the attention of Parliament; but it had never entered his head that the Government would bring forward such a Bill for the first time in July, founded upon five Committee reports, and call upon the House to give their assent to it. When the provisions of the Bill were considered, it would be found they went the entire length of countervailing one of the great systems upon which commercial affairs had been conducted, by substituting Government for private management; and it established interference with private property to an extent unprecedented in legislation. Now, it might be possible that this was required, but he advised that they should not enter upon the subject hastily. Let the question be placed fully and fairly before the public. Let public discussion be observed, and the opinions of practical men taken, and if Government changes were necessary, let them be made after due deliberation. At the first sight, he had a great objection to the Bill, because it appeared to him to be contrary to all our habits and institutions, and not generally in accordance with the spirit of an usage, that undertakings hitherto carried on by private enterprise should be taken up by the Government. The right hon. Gentleman had talked of the inoperative nature of the Bill, but it could not be supposed that the Bill had been so drawn as to be clogged with inoperative Clauses. The first Clause rendered the tolls of future railways liable to revision. Then there was the 16th, which is a most remarkable Clause, inasmuch as it not only allowed a general notice to be given that railways might be purchased at the end of fifteen years, but it stated in whom the property was to vest—it was to vest in the Crown. But above all, there was the 38th

Clause, which was exceedingly stringent, and by which the Government was to get the control over all existing railroads as well as those hereafter to be made. The public were quite right in the interpretation that had been put upon this Bill, that it laid the foundation of a system by which Government were to take a great portion of the railways into their own hands, and not only that, but the 38th Clause gave the Government the power to make contracts with existing railroads, for it enacted that it

> "Shall be lawful for any Railway Company to enter into contracts or agreements on behalf of the Company with the Lords of the said Committee, binding the Company to such terms as may be agreed upon with the Lords of the said Committee. either in regard to subjecting the Company to all or any of the provisions of this Act, or to lowering fares, or affording additional accommodation, or to giving security for the completion of future undertakings, or to any other thing whatever agreed upon between the said Company, and the Lords of the said Committee."

Couple that Clause with the power of revision, and with the fact, that whenever an existing Railway Company had to apply to Parliament for an increase of power, or for extension of their line, they were subject to the revision of Parliament. Now what was this Clause, but a power to the Company to enter into agreements with the Lords of the Treasury, and place the power in the Board of Trade, instead of in Parliament? The hon. and learned Gentleman then proceeded to contend that a Government interference with these matters was contrary to our habits, and adverse to that system under which this country had prospered beyond all the world. It was truly extraordinary that at this day it should be necessary for any one to stand up in the House of Commons to vindicate the advantage of private enterprise in public works over Government management of them. It now seemed, however, that that maxim was contrary to the opinion of Her Majesty's Government, and he was bound to say, that they had shown a great itch for meddling in such matters. He did not wonder that his right hon. Friend, the ex-President of the Board of Trade, agreed with the right hon. Gentleman who now filled that post, for it seemed necessarily inherent in that office to believe that no affairs could be properly conducted, except under the official red-tape system. What public undertaking was there which had not been better carried out by private enterprise than by a Government? Our turnpike roads were formed by private enterprise, while those of France were made by the Government, and the consequence was that ours were far superior. The posting system in France was in the hands of Government—was it equal to ours? The lighting of towns in England was done by private associations, and was the lighting of any towns comparable to ours? Then there was that great system of canals with which this country was intersected; those were not formed by the Government, but by private individuals. Even the buoying and lighting our coasts was not left to the Government, but was done by the Corporation of the Trinity House. That great work the Bedford Level was a work of private enterprise, and not of a Government. Then how had the Empire itself been extended by private exertion? The United States were not planted by the efforts of a Government, but of private individuals. If those things were done in the old times by our ancestors, it was not now that we were going to put ourselves in leading-strings under a Government, and throw aside all those principles under which the country had so greatly flourished. [Lord *Stanley*, we believe, here suggested voluntary emigration.] The noble Lord boasted of this wonderful voluntary emigration as carried on under the auspices of the Government, but it was to be questioned whether it would produce effects like the settlement of America. [Lord *Stanley* had alluded to private enterprise.] He hoped the noble Lord would apply that principle to railways. He could not but feel surprised at the conduct of the hon. Member for Greenock—that he, who had all his life attacked that one public department which pretended to be the carrier for the public—he who had attacked one Postmaster General after another, only diversifying his censure by representing their various shades of incompetency—that he should come forward and desire to place Railway Companies under the management of a public officer similar to the Postmaster General, was indeed astonishing. Now, if this Post Office, for example, had been a matter of private competition, or managed by private individuals, could it be believed that it could have been conducted so inefficiently as it had been? But there were worse departments than the Post Office. Look at the Admiralty, the last body to adopt any marine improvements, who retained their prejudices against steamers after they had been adopted by everybody else, and persisted in retaining their 0-gun brigs, that were called coffins, not only from their external appearance, but from their carrying their passengers sooner or later to an untimely grave. Why the packets established by private enterprise crossed the Atlantic in a third of the time occupied by the vessels the Admiralty persisted in employing. But it was thought by some that if this Government interference with railways was established, the public interest would be taken care of; and the hon. Member for Greenock seemed to imagine that all the poor people would be carried at the rate of a farthing a mile. But with the experience we had had of Government, did it appear that there was that disposition to cheapness on their part? Look at the old mail-coaches, for example. For a long time, even when they were the worst coaches on the road, they were the highest priced. He would take another instance; you have Government packets from Calais to Dover, where the passage was the shortest across the Channel, the passage from Dover to Boulogne being three or four miles farther; but the packets going to Boulogne were cheaper than those going to Calais. Private steamers from London to Boulogne charged a less price than the Government packets from Calais to Dover. He was not accustomed to stand up in that House and recklessly, and without reason, applaud the wisdom of our ancestors. He did not say that everything they did was right, but neither did he foolishly say that everything they did was wrong; but if they could discover that the principles upon which this country had hitherto acted were sound and consonant with reason and justice, they should not lightly throw them aside for the sake of a system which had been as yet untried. Whenever they put a great branch of the public business into the hands of the Government there was ever found an apathy and a resistance to improvement, and, above all, great political jobbing. He conceived, that past experience was by no means calculated to incline them to transfer the management of these great undertakings from private enterprise to Governmental management. He, however, acknowledged that this was not the chief reason why he objected to the present measure. His main reason for opposing the system of centralization was, because he considered it to be inconsistent with the best characteristics of our national character. The English were a self-relying, a self-acting people. They were not accustomed to look to the Government for their bread, or to turn to them in every emergency. The system of centralization tended to make men machines instead of making them powers; it made them slaves instead of freemen. It was alleged as a powerful argument in favour of this Bill, that it was a great measure of interference on behalf of the poor of this country. They were told that by the 25th Clause a step was, for the first time, taken to secure a cheap conveyance for the poor. Now, he was exceedingly delighted to see such a course taken as this. It was perfectly in accordance with his own principles that the Government should in such matters as this interfere for the benefit of the poor, and to secure to them some of the benefits arising from the civilization and improvement of modern times; but he must own that he was not prepared for any Government proposing to provide a benefit for the poor in such a manner as this. If the House came forward and said that the Government should provide a conveyance for the poor man, he could understand it, because he should suppose that it would be at the expense of the public; but what did this generous Bill do? It provided for the poor man at the expense of the railway proprietors. A railway might be productive, or it might be wholly unproductive, and, indeed, might be carried on at a great loss, but still the proprietors were always to be taxed for the benefit of a poor man. This was not a system worthy of the legislation of this country. If it was intended to provide for the benefit of the poor, the country ought to do it at their own expense, and not at the expense of private individuals. But, in truth, he did not understand how this Clause in the Bill was to work. How was this distinction between the rich and the poor to be drawn? Whenever the present railways made the third class at all comfortable, what was the consequence? Why, a great many Gentlemen travelled in that class. There could be no provision made which could secure exclusively a benefit of this kind to poor men. He should like to ask a question, which might be considered as rather having a personal relation to himself, and Gentlemen might suppose that he was thinking more of himself than of the great object of this debate, by asking it; but still he should like to ask the right hon. Baronet the Secretary of State for the Home Department, who was the "Jack Cade" now? It was not proposed in the Factory Bill that the master manufacturers should pay the same rate of wages for ten hours labour as had been paid before for twelve. Those who advocated that measure, did not say that their benevolence should be at the expense of the masters; but that it should be borne either by the poor themselves, or by the public, by a proportionate increase in the price of goods. He must say that the proposition contained in this Clause, came with an ill-grace from the men who charged the advocates of the Factories Bill with being the Jack Cades of the present time. He (Mr. C. Buller) always thought that the charge against Jack Cade was, that he endeavoured to settle the price of all commodities, and that he determined to cheapen the quartern loaf and the barrel of beer. But what did the Government of this day do—they who raised the cry of Jack Cade against the supporters of the Factory Bill? Why, they came forward and proposed to cheapen the cost of conveyance of the poor man, not at the expense of the public, but at the cost of private individuals. He would admit that it was an exceedingly right thing that the Government should provide for the cheap conveyance of the poorer classes of the people; but those who proposed to limit the hours of labour ought not to be met with the cry of "Jack Cade," by the Government who brought forward such an extreme proposition as that contained in the 25th Clause of this Bill. The tendency of the Bill would be rather to encourage than suppress the present railway monopoly, for what must be its effect? For some time to come, it must uphold the monopolies of the existing railways. Take the railway in which he himself was most interested, the Great Western Railway. It had at the present moment a perfect monopoly, as far as it could have it, into the county of Devon; it had a monopoly of conveyance to Exeter. Now, what was the security which the country possessed against that monopoly becoming oppressive? It was this, that the South Western Railway ran down to Southampton, and then there was a good coast line from Southampton to Exeter. Now, if the Great Western should abuse the powers it possessed, and should attempt to extort enormous profits from the public, that would immediately lead to the construction of a competing line, and thereby bring down the charges to a level with the ordinary profits on capital. Nothing could be effected by the Bill in the way of preventing the existing monopoly, but, on the contrary, it would tend to uphold that monopoly by preventing the formation of competing lines. There was another very important reason why the House should not interfere with the management of railways at this particular moment, and that was, that there was a great prospect of a material change being made in the system of working railways. By a very able Report of some of the most eminent engineers, it was admitted that atmospheric railways were perfectly practicable. The plan advocated by them had received the sanction of the highest practical and philosophical authority in Europe—M. Arago. Now, if that plan should be adopted, and should succeed, the whole system of railways would be altered, and henceforth, wherever you could get a turnpike road, you might have a railway. Was the House then prepared, while having before them the prospect of such a contingent and possible change, on the pretence of protecting the public, to impose such restrictions on the future improvement of railways, as should prevent so great a benefit resulting to the country? The whole object of the Bill seemed to be to prevent improvements on existing railways, and to prevent the formation of new ones. The existing railways would not like to be brought under this Act. They would not be able to ask for new powers or make a new branch line without bringing themselves under this Act. He trusted he had not occupied too much of the time of the House in bringing these views under their notice. He thought he had addressed to the House arguments of sufficient weight to induce them to feel that they ought, at least, to pause before they adopted a Bill which would irrevocably abolish the present system of railway management. He believed that the mischiefs stated to result from the monopoly of railways were exceedingly hypothetical. The present system was very different from what it was five or six years ago. Then there existed only certain main lines of railway, but now the phrase was, that the whole country was covered with a net-work of these railways. That of itself was a safeguard against any of the evils of monopoly. What he contended for, therefore, was, that the House ought not by the adoption of this Bill, to deprive the public of that safeguard until they were assured upon the best authority, and from the fullest information and discussion, that they had hit upon some definitive plan that should secure to the country the good management, the further improvement, and the cheapness of railways and railway travelling. He begged at the same time to be understood that he perfectly adopted the principle that railways should be under the control of the Legislature. Certainly subject to that control which was imposed by law. He never heard that trade of any kind was to be free from law altogether. But his great difference from the advocates of this measure was this—adopt, if you please, regulations, but do so by legislation, and not by transferring the power of the Legislature to the Executive Government. Bring forward your plan. Surely legislation on such a subject as this deserved the consideration of one recess—the discussion of one Session. Let there be a Bill brought forward next Session, in which should be given in a legislative form the alterations and restrictions it was the wish of the Government to put on railways. To any such measure as that he (Mr. C. Buller) would give his most serious consideration, and should be prepared to adopt whatever might appear necessary to protect the public. But what he asked the House not to do was, not in a hurry to press such a Bill as this, which relieved the House from the trouble of legislation altogether, and handed over the entire control and management of railways to the Executive Government.

Mr. *S. Wortley* wished to guard himself, at the outset, from being supposed to acquiesce in the assumptions of hon. Gentlemen who opposed the Bill as to the likelihood of any injury to private enterprise of the value of which he was thoroughly sensible. They were not, however, called upon to decide whether these undertakings should be carried on by the Government or by private parties. All that was asked was that Parliament should reserve the option of dealing with such undertakings in future; and this seemed as just as it was prudent: but, then, it was said, if this were all, why have a whole machinery of Clauses? To this the right hon. the President of the Board of Trade had truly answered, that if any words could be devised by which the immediate operation of the measure should be excluded, and a mere reservation alone secured, he would adopt them. To affirm merely, that Parliament should have the power hereafter of dealing with the matter would be nugatory; as Parliamentary powers could not be limited by the words of particular statutes. The object of the Clauses in this Bill was not to enact any plan, but to pledge Parliament to the railways that such should be the utmost extent to which they would be dealt with. If he thought that this Bill implied one-half or one-tenth part of the assumptions made by Gentlemen who opposed it this evening, he should have been one of the foremost to obstruct its progress; but because he believed there had been a total misconstruction of the purport of the Bill, and because he thought the proposal was one which he could vote for without any injustice to these parties, he gave his assent to the second reading. Amongst other assumptions, gentlemen took it for granted that, supposing this plan to be sanctioned by Parliament at a future time, it must not only be used to protect the public in individual cases, but must necessarily be part of a great and extensive system by which the whole management of railways would be undertaken by the Government. He admitted no such consequence; and if he did, he must say, as far as the management of railways was concerned, that, as at present advised, if he should have the honour of a seat in the House fifteen years hence, when this subject should come to be discussed, he should heartily join in opposing any proposal to place the management of railways in the hands of the Government. But it was not necessary to go that length; it was by no means necessary that the powers given by this Bill should be brought into general operation, and, indeed, they could not be brought into general operation. Under extreme circumstances of mismanagement it might perhaps be possible to make such an arrangement as was made in France—viz., Government to have the power of purchasing the line, and allowing private enterprize to manage it; but he pronounced no opinion as to the merits of such a proceeding. He did not think it unjust that Parliament should reserve the right of considering such questions without being fettered by the imputation of having entered into pledges with the railways. It was far from his wish to do anything which might seem like ill-will to railways. He entertained a strong sense of the benefits conferred by railways, and said it was the bounden duty of the House to consider the advantages which had been derived from them for a long series of years. He said, moreover, that considering the extensive responsibility under which railways were carried on, it seemed wonderful how little cause there had been for complaints. We had, however, arrived at a time at which a great portion of the necessary communication by railway had already been constructed; the House was so situated as to railways, which had been a length of time in operation, that it was compelled to admit the injustice of proceeding to interfere with them; they were left out of consideration, and that being the case, when so much activity was exhibited in the multiplication of these enterprizes, some steps ought to be taken to prevent the House being fettered in like manner at future periods. Notwithstanding his intention to support the Bill, he could not say that he had looked at it altogether without apprehension. There were one or two Clauses of doubtful import, which would require some discussion, but he did not hold that to be a reason for refusing to assent to the second reading. He had the greatest doubts of the policy of that part relating to the guarantees. It was impossible to deny that you were bound to give the railways some security if you undertook to interfere with them for the public benefit. Suppose a case in which a guarantee was given by a railway, and the profits fell below the point at which the guarantee was given, what security would the public have for the due management of the railway? You entirely took away all motive for good management. The second Clause also appeared to be involved in some difficulty. With the best disposition to the measure, with no wish to commit anything approaching to injustice, without any desire definitively to sanction such a system of putting railways into the hands of Government, he thought himself fully justified in voting for the second reading of this Bill.

Mr. *Gisborne*: The right hon. Gentlemen opposite must feel themselves thankful to those hon. Members who persisted in moving the adjournment of the debate, inasmuch as had the debate concluded on Tuesday night, the House would not have been favoured with the clear and satisfactory statement which the hon. Member for Newcastle-under-Lyme (Mr. Colquhoun) had favoured them with. He was only sorry that most of it had been delivered in the absence of the right hon. Gentleman the President of the Board of Trade. That speech clearly proved that the subject had not been exhausted. The speech of the right hon. Gentleman, in moving the second reading of the Bill, he must say, was the most singular he had ever heard delivered by a Cabinet Minister in introducing to the House a purely commercial subject. The right hon. Gentleman had not made it a mere matter of detail, as one might have expected. He introduced the measure in a slashing speech, hitting right and left. He attacked every side from which he expected opposition. He said some of the opponents of the measure were incapable of understanding it, while, on the other hand, he imputed illegitimate and improper motives to others. The speech, although no doubt a brilliant and punishing one, was one altogether unexpected by him from such a quarter, and unless his senses had convinced him to the contrary, he would have thought that the speech came from the Colonial Office, although the measure belonged to that of the Board of Trade. The Motion which he had made previous to entering upon that debate must have been a god-send to the right hon. Baronet, because it afforded him room for much declamation. He had to complain of the right hon. Gentleman the President of the Board of Trade, as well as of the right hon. Baronet at the head of Her Majesty's Government, inasmuch as that although he had taken an opportunity of denying that he made that Motion on the suggestion of any one but that of his own mind, still in their declamatory speeches they talked of it as an attempt to stifle all discussion on the part of persons connected with railways. Indeed, Her Majesty's Government were in the habit of throwing out imputations upon the motives of their opponents—even on the Bank Charter Bill the right hon. Baronet charged the hon. Member for Lambeth and himself; indeed he charged every one who differed from him in any degree with entertaining views favourable to nonconvertibility; whatever they said, however strongly they denied it, still the right hon. Baronet insisted that they had an eye to nonconvertibility. The fact seemed to be, that the Government had taken to the manufacture of quack medicines, in the shape of Bank Charter and Railway Bills, and it was a well-established fact, that a person could not give greater offence to a quack than by a refusal to swallow his medicine. So it seemed to be with the right hon. Baronet. The House was as yet completely in the dark in respect of the proceedings before the Railway Committee, and as an humble Member of it, he should feel it his duty to lay before them a short account of its secret history. Before entering upon the subject, he begged it to be distinctly understood that he made no charge against the manner in which the right hon. Gentleman conducted the proceedings before it; but the right hon. Gentleman went into the Committee, pregnant, as he thought, with a great scheme. The right hon. Gentleman there found that he laboured under a mistake; but being determined to do something, not at all to his surprise, the right hon. Gentleman came forward with the little abortion on the Table. The right hon. Gentleman entered the Committee full of what he called a "hypothetical outline," which he fully intended to cram down their throats. The whole of the evidence given during the first fourteen days of the sittings of the Committee related to nothing but the hypothetical arrangement. The right hon. Gentleman dressed his fly very skilfully, and first of all drew it before the eyes of Mr. Glyn, the Chairman of the London and Birmingham Railway Company, and he was indeed surprised to see Mr. Glyn snap at such clumsy bait. He next tried his gaudy fly upon Mr. Swift and Mr. Saunders; but they were very cautious, and refused to take it. It was then found to be no more than an Indian-rubber body with gauze wings. But when Mr. Hudson came the right hon. Gentleman found out that he was labouring under a sad mistake. That Gentleman rebelled strongly against the offer of the right hon. Gentleman, and would not be caught at any price. The result of all was, that the hypothetical outline was quite blown, and the right hon. Gentleman was obliged to abandon it; still he was not willing to come out of so laborious a Committee without some result, and, therefore, the right hon. Gentleman had adopted that small measure which he wished to force the House to accept. Undoubtedly the opponents of the measure had much to contend against, inasmuch as it was supported by the late as well as the present President of the Board of Trade; but it was remarkable that one of those right hon. Gentlemen said the power of purchase was the main and most important provision of the Bill, and he looked on the power of revision as secondary to the other. While on the other hand the other right hon. Gentleman said the revision was the most important matter, and he did not attach much importance to the power of purchase. He would apply a test, and he thought a very fair one. Suppose that some fifteen years ago there had happened to have existed a President of the Board of Trade who was gifted with the intelligence and ability of both of these right hon. Gentlemen. Suppose that he had then got such a Bill as they were discussing enacted, and that its provisions were then coming into operation, what use could they possibly make of them? The first Clause gave power to revise the fares upon railways. Now how would they proceed to apply it to existing railways. The power did not apply until the Company were dividing clear profits to the amount of 10 per cent. Now take the London and Birmingham line—they were too cautious ever to divide more than 9*l.* 19*s.*, and they would not keep the profits down by reducing the fares. No, they would refuse that traffic which was most inconvenient to them. In fact the Clause was in operation at that moment—all coal and minerals were refused on the Birmingham line. The midland consolidated lines carried coal at ¾*d.* per ton per mile. They carried large quantities even up to Rugby, where they joined the Birmingham, but there it stopped so far as railway was concerned—it had then to be put on canals because the Birmingham Company by a prohibitory tariff, prevented it going further. And acting as the Directors of a commercial company, they acted perfectly right. They would divide their 10 per cent. without the traffic, and it would be indiscreet to do more; why then should they dirty their hands with carrying coals. But suppose the Clause to be in force, how would they deal with them? [An hon. *Member*: Buy them up.] He would come up to that soon. He was then considering the revision Clause. They could not compel the Company to start in the coal trade. An hon. Member said purchase the railway. Was there one man in the kingdom who was fit to be allowed to walk about, who could believe that the Government could purchase even a single one of the numerous railways in existence? To use a homely phrase which fell from one of the witnesses, the power of purchasing was all gammon. He said that no Member could give a satisfactory vote upon that Bill, unless he had read through the whole of the evidence which related to the extent to which the Government would interfere. Revision, to be good for anything, must mean the taking of the whole management of the railways into the hands of the Government. He did not doubt the propriety of the course on the point of patronage, nor did he doubt their power of management; his objection was that as under the present system we had in every part of the country parties making all kinds of improvements under the stimulus of private interest, he feared that under the Goverument those improvements would not only cease, but they might retrograde, which he should consider one of the worst calamities which could befal the country. He repudiated one saying of the right hon. Gentleman, that competition would afford no protection to the public. That was a dangerous doctrine to lay down. Look at the Manchester and Liverpool Railway. They had always refused to run any third-class carriages. A competing line there, would have made them much more accommodating to the public. Parliament ought to say they were willing to grant any line wherever a necessity was shown for it. He felt confident that no great good would result to the public from that part of the Bill which related to competition. The Bill was supported by the hon. and gallant Member for Lincoln, who was the decided enemy of all railways; and there were other hon. Gentlemen who said that Railway Companies were very overbearing bodies. But he asked hon. Members to look to the dimensions of that Bill. What did it do? Why, as regarded all existing railways, it did nothing whatever with respect to purchase or supervision. And what was it to do with respect to future railways? Why, for the next fifteen years, it would leave them in exactly the same condition in which they would be placed if no such measure were ever to be enacted. Our grand-children, or our grand-nephews, might derive benefit from that Bill; but for fifteen years after the 1st of January next it would be totally inoperative. It was said that the Bill would confer great benefits on the lower orders, inasmuch as it would enable them to travel at reduced charges. But it should be remembered that all the Bill would require under that head would be, that one train each day should be started, carrying the lower orders or any other persons who might choose to travel by it at the rate of not more than 1*d.* a mile in a covered carriage, and at a speed of not less than twelve miles an hour. But what was the case now? Why he found that the average charge in all the third-class railway carriages throughout the kingdom was only 1*d.* and the fifteen hundredth of a penny per mile. There were, in fact, a great many railways in which less than 1*d.* a mile was at present charged. He found that the South-Eastern Railway carried third-class passengers at the rate of ¾*d.* per mile; the Newcastle and North Midland Railway carried them at the rate of ½*d.* per mile; the Edinburgh and Glasgow Railway carried them at the rate of ½*d.* per mile; and the Midland Counties Railway had, for many years, carried third-class passengers twice a-day, between Derby and Nottingham, at the rate of ¾*d.* per mile. He also found that none of those railways carried passengers at a speed of thirty miles an hour. The poor would, however, undoubtedly receive this advantage from the passing of the measure, that they would be carried in covered carriages. But that was the only benefit which the measure would confer upon the poorer classes of travellers. And he would ask the House whether they would consent to pass all the objectionable Clauses of the Bill for the sake of that small benefit to the lower orders? He should also state in fairness that there were at present four or five railways which did not carry third-class passengers, and as all railways would be compelled to carry those passengers, that small additional benefit would be conferred by the Bill. He would, however, ask those who were in favour of some regulations with respect to railways whether they would accept so very inefficient a regulation as that? He certainly was not one of those who complained of the Bill on the ground that it would be very effective for mischief. His objection to it was, that it was too contractive in its dimensions. He did not stand there as the advocate of Railway Companies, but he stood there to prevent the right hon. Baronet from giving away what he believed to be a clear protection to the public for a sham protection. It might be right to do something with respect to railways, but let them proceed upon a comprehensive principle in dealing with the subject. He believed that those Gentlemen who fully considered the question would agree with him in wishing that the Bill should be smothered at its birth.

Sir *R. Peel*: Sir, I am sorry that the hon. Gentleman should have misunderstood the reflections which I made, not upon him, but upon the Motion of which he was the author the other night. I can assure the hon. Gentleman that when he disclaimed any improper intention in bringing forward that Motion, I gave him credit for all that innocence and simplicity to which he lays claim, and to which, in my opinion, he is so much entitled. But when I saw parties connected with railways ready to support the Motion, I thought they were going to take advantage of the ingenuousness of the hon. Gentleman, and were about to make him the unconscious instrument for preventing all discussion upon this subject. The hon. Gentleman is, no doubt,

"Ingenui vultus puer ingenuique pudoris,"

But when I saw railway directors and proprietors giving their support to the Motion, it appeared to me that it might not be of so harmless a character as the hon. Gentleman seemed to imagine. The hon. Gentleman, however, says that Her Majesty's Government are in the habit of attacking hon. Members. Now I must say that great sensitiveness has been betrayed by the hon. Gentleman. He said that on the Bank Charter Bill I absolutely stated that certain Members had an eye—to what? I thought that he was going to state some very criminal offence; but he said that they had, as I alleged, an eye to nonconvertibility. Now it must be very difficult to conduct a discussion in this House if that is to be considered as a gross personal reflection on an hon. Member. What I said upon the occasion in question was, that if the argument of the hon. Gentleman meant anything, it meant that he must be favourable to the principle of nonconvertibility. Now I do not think that that was going beyond the freedom and latitude of Parliamentary discussion; and I must say, that after having heard night after night in this House the reflections cast upon Her Majesty's Government, but of which I never complained, I was surprised to find myself charged with a gross violation of Parliamentary decorum because I had stated that the hon. Gentleman and the hon. Member for Lambeth, in conducting the discussion on the Bank Charter Bill, had an eye to nonconvertibility. You, Sir, ought, perhaps, in the opinion of the hon. Gentleman, to have called me to order on that occasion. [Mr. *Hawes* had never made any charge against the right hon. Baronet.] I must confess that I never heard the hon. Member for Lambeth charge me with exceeding the bounds of Parliamentary decorum on the occasion in question. But this simple and ingenuous youth considers that a personal attack had been made upon him because he had been told that he denied the principle of convertibility. The hon. Gentleman also complains of my right hon. Friend the President of the Board of Trade, for having made a "brilliant and comprehensive speech." He says that the Board of Trade presides over figures and arithmetical details, and that statistical statements would come from the President of the Board of Trade with a better grace than a "brilliant and comprehensive speech." Now, really, when the hon. Gentleman himself indulges so much in fancy, and introduces into his speech so many metaphors—pills, quack medicines, and the amusement of fly-fishing—I am surprised that he should claim for himself only the right to make witty and brilliant speeches, and that he should tie down my right hon. Friend to statistical details. The hon. Gentleman ought surely to allow other parties to compete with him. This Bill has been discussed at considerable length; and yet I think that the considerations by which hon. Members ought to be influenced in assenting to its second reading may be very shortly stated. I should not wish to have it supposed that in supporting the measure I mean to cast the slightest reflection upon those who have formed railway companies, or who have devoted their capital to the construction of railways. I think the country is under the greatest obligation to those gentlemen. I think it is a circumstance of which this country has reason to be proud, that our railways should, without any pecuniary aid or assistance from the Government, have been constructed by private enterprise, and by means of private capital. I must say, also, speaking generally, that so far as regards the practical superintendence of our railways, it has been conducted in a manner which reflects the highest credit on the managers. I think they deserve the greatest credit for the uniform civility which they display, and for having shown the people of this country that all their subordinate agents, without any views of pecuniary gain, are attentive and kind, even beyond the limits of their duty, to rich and to poor, to a degree which scarcely exists in any other branch of the public service. I do hope that the practice which they have introduced, of showing every attention to individuals, at the same time that the receipt of all pecuniary fees is prohibited, will be maintained, and that the public will assist them in carrying out such a system. It is impossible to overrate the comfort and the convenience which arise from that system. And therefore in voting for this Bill, as I said before, I give, as I have always given, the utmost credit to our Railway Companies. I consider them to be among our most valuable bodies, and I shall always continue to entertain for them the greatest respect. But the question is, whether we are now arrived at a period in which it is advisable that Parliament should take some precaution for ensuring the public interest in respect to railways. The hon. Gentleman the Member for Nottingham objects to this Bill that it does not go far enough. But until the speech of the hon. Gentleman the opponents of the measure had said that at that late period of the Session the Government ought not to press a measure which was not limited to interference with future Companies, but which had spread fear and anxiety among existing Companies, and which would render it impossible for these Companies to conduct their affairs with satisfaction or security. The objection to the measure used to be that it was a measure too large and too comprehensive to be introduced at that late period of the Session; but the hon. Member for Nottingham wishes that it should extend to existing Companies. [Mr. *Gisborne*: No.] The hon. Gentleman wishes that we should introduce some comprehensive measure which would apply to all Companies; but I doubt whether if we had done so the hon. Gentleman would have voted for the measure. [Mr. *Gisborne*: He would not.] Then we should have been unsupported by the hon. Gentleman, and we should have been opposed by all those parties who are connected with existing railways; and in the end Her Majesty's Government would have been compelled to abandon all legislstion upon the subject. The hon. Gentleman wishes to see another railroad established between Manchester and Liverpool; but is the hon. Gentleman sure that there would be no objection to that? Is he sure that he could guarantee to the public any advantage from that competition? And does he not know that an application to Parliament for permission to construct such a railway would meet with the most formidable opposition? True it is proposed to make a new railway through the Trent Vale, with the perfect goodwill of the Grand Junction and of the London and Birmingham Railways. But I remember that I firmly advocated a Bill for such a railway in two successive Sessions, although I had done so ineffectually while the two companies in question opposed this measure; that Bill was sixty-six days in Committee; and I have been informed, that the expences of attempting to establish that competing line of forty miles only, had cost no less than about 146,000*l.* That expense was the consequence of the opposition of the two Railway Companies, who have now agreed to sanction the railway. The hon. Gentleman says, that the great security for cheap fares and proper service is competition. But I am afraid that in these matters there is a power which may overrule the deliberate sense of the House of Commons, and that a formidable combination of interests may exist, which would render it impossible for competition always to be successful. The hon. Member for Durham complained that I applied the term "monopoly" to these Railway Companies. I did not use that term in any invidious sense; but speaking, for instance, of the London and Birmingham railway, than which none can be better conducted, yet speaking generally, it has a complete monopoly. It has, as it appears to me, a perfect monopoly against posting and against stage-coach conveyance, and a decided monopoly against steam conveyance. A person who sets up machinery for manufactures is subject to rivalry from any other person who can command capital; but so far is this from being the case with respect to the railway monopoly, that no one can enter into competition without coming to Parliament. It is necessary in every instance to obtain new powers against the grant of which existing monopolies will exercise their influence in Parliament, and often exercise it with success. In what position then is the country with respect to placing restrictions upon railways? It appeared that there are applications in the present Session of Parliament, and there will probably be in the next, for 1,000 additional miles of railroad. Let them observe the advantages which the constructors of new railroads possess. In the first place, they have the benefit of the experience of all the railways which had been already made; and, in the second place, those unjust prejudices which formerly existed against railways have in a great measure abated, and so far from Gentlemen dreading the approach of a railway within eight or ten miles of their estates, that approach is now sought, and, except in those cases where there is an injurious interference with property, landowners are willing to give their land on more fair terms. The constructors of new railways can avail themselves of the experience of those who sunk their money on the first passing of these plans; they can avail themselves of that experience in the construction of tunnels and in the expense of engines; but there is no corresponding limit to the profits on the new railways—there is no interference, except as to the price of 3*d.* a mile. The existing circumstances of the railways, therefore, rendered it an advantageous time for Parliament to take the subject into its consideration, and it appears to me to be a decided advantage to the public, to give notice to the railways that they may be dealt with hereafter. I am not prepared to say that there ought to be an immediate purchase of railways. I do not wish to see the Government, or any department of the Government, becoming directors of railway concerns. That is not the object of the Bill; but the object of the Bill and of the Government is, that as a number of railway projects are now about to receive the sanction of Parliament, it should, after the lapse of a certain time, be competent for the Legislature to deal with those undertakings, and to determine whether or not it would be advisable in any way to alter the powers given to those companies. That is the principle upon which we deal with the Bank of England and with the East India Company, when we give certain powers for a limited period, leaving it to Parliament to take the subject again into its consideration after the lapse of that period. The question is, whether we are to give the new companies a permanent and unqualified monopoly, or whether we shall reserve to ourselves the right to reconsider the powers which we may confer upon them. In what other way can you do it, except by such a Bill as this? To say that the Bill for railways should last only for fifteen years would be an effectual extinguisher on all improvement; to say that we give them the power for a limited time, would prevent Railway Companies from being established in the meantime; and to say that we reserve to Parliament the absolute right to reconsider the terms on which railways shall have been constructed, would prevent all enterprise. My right hon. Friend, therefore proposes no such course with respect to new companies, but he says this—

> "I will reserve to Government, provided Parliament should then sanction it—I will reserve to Government and to Parliament the power of purchasing these establishments, taking as the amount of the purchase the divisible profits of twenty-five years, to be calculated in point of time on the average of the three years next preceding the purchase. But there is another alternative: if these terms should not be accepted, or should not be offered—if your profits shall exceed 10 per cent., we shall have a right to demand of you a reduction of your tolls."

Now if you admit the principle of eventual contingent interference, in what more equitable manner can you provide for it? What do you do? You take a double alternative, because, if you were to claim the single right to purchase, there might be a temptation on the part of the Railway Companies to swell the amount of the divisible profits. The alternative is, therefore, left to the Government, to take the power of revision, and thus to correct the tendency to swell the amount of the divisible profits. If you were to take the power of purchase, or the power of revision alone, your object would not be gained. But I do not want to enter now into a discussion on the details of the Bill; I want you merely to consider whether you ought to permit future railways to be established throughout the country, possessing not only the present amount of monopoly, but a still greater amount, without taking any power for securing the interests of the public; and giving notice to those who are embarking their capital, that you intend to reserve to Parliament the power of keeping some check on them. It has been said, that this measure has been brought forward in the month of July, without notice. The hon. Member for Newcastle has said, that the reason why the Railway Companies slept on without alarm after the fifth Report, was because they did not think the Government would introduce such a measure as this. How could they have thought so, after the distinct notice given in the third report? The Committee there say—

> "It appears, therefore, to your Committee, that the present moment, while Parliament still retains in its own hands an entire and unimpaired discretion with regard both to the incorporation of new companies and to the enlargement of the powers of old ones, affords an opportunity more favourable than any that can be expected hereafter to recur, for attaching beforehand to the legislative sanction, which is sought by these parties on their own behalf, the conditions which may be deemed necessary for the public good, and which may realise and apply such conclusions as our experience of the railway system up to the present time may be deemed to have sufficiently established."

This Report was ordered to be printed on the 1st of April, 1844. The whole Report assumed that the present was the favourable moment to give the notice now given in this Bill. This Bill does not go beyond the Report, and the substance of it is in exact conformity with the Report. That Report was lauded in extravagant terms by the majority of the newspapers in connection with the railway interest, and no opposition appeared till after the appearance of the fifth Report, yet that Report (the third) indicated that you should not let that opportunity pass of making some provision on the subject. So much, therefore, as to that part of the Bill which relates to the power of the Government to purchase or revise. I must say that I should deprecate the frequent use of that power, but I conceive the insertion of it in this Bill as a check on abuse and a security for the public interest. The Bill takes several precautions for the public interest, which must be admitted to be only reasonable and just. I think we should take security for the conveyance of letters on certain prescribed terms. So again as to the conveyance of soldiers and stores. I think it right when you are giving those unlimited powers to take and use for their purposes any private property, that you should require that those Railway Companies should confer on the public some benefit in return, the amount of which shall be determined before those companies are established. Without expressing any extreme interest as to the conveyance of the lower classes, I must say that it is a proper subject for the consideration of Parliament. I do not believe that the conveyance of the lower classes is a source of profit to railways; at least I believe that they do not consider it a source of profit at present. The fear is, that when we attempt to secure a better conveyance for the lower classes persons of a better condition of life may avail themselves of it. Still this cannot be a conclusive reason why we should not make some provision with respect to the conveyance of those classes. The attention of foreign countries has been for sometime directed to this subject. I hold in my hand a Report of the French Chambers, showing that they did not think it unbecoming their attention to make provision for the conveyance of the humbler classes. This is a translation of their report:—

> "We have more than once protested against the use of open carriages, which expose the health of the passengers. It appears to us that the interests of salubrity, and, we may add, those of humanity, enjoin us not to condemn the less opulent classes of society to the inconvenience and danger of such a mode of transport. In fact, in open carriages the passengers are not only exposed to the assaults of the weather and rapid current of air, but also to the risk of fire, from the particles of burning coke thrown out by the engine."

Accordingly, the Committee insist, as an indispensable condition, on covered third-class carriages being attached to, by the ordinary trains, at fares not exceeding $\frac{3}{4}$*d.* per mile. The French Government has adopted this recommendation, and one article in this mooted project of concession to Railway Companies, published by the administration, is—

> "The Companies shall in no case make use of open carriages for the conveyance of passengers."

Another—

> "That every regular passenger train shall contain carriages of all the different classes. The second class carriages being covered and provided with glass window, and the third class covered and closed by curtains."

The Governments of Germany have equally prohibited open carriages, and the treaties between the different states for the extension of a common system of railway communication always stipulate for the conveyance of third-class passengers, in covered carriages, at fares from ½*d.* to ¾*d.* per mile. This is the course which the French legislature have thought it right to pursue. They require that in every train there shall be third class carriages protected from the weather. Now, when you are establishing new railroads, and when you know how other means of conveyance are all superseded is it not right that you should take security for the comfort and convenience of the humblest classes? The hon. Gentleman opposite takes a high tone, and says that railways have an unlimited right to deal with the public as they shall think fit. It may possibly be right for the London and Birmingham Railway to say, " We will not soil our fingers with the conveyance of coals," but the question is here—" when we are giving powers for the establishment of new lines, may we not take some moderate and rational precautions against abuse? If I thought that this Bill would tend to destroy competition in the establishment of railways I would never consent to its passing, but I do not believe that the precautions taken by it will have the effect of impeding or preventing the application of private capital to the construction of railways. I have the satisfaction of knowing since the appearance of the third Report, which announced that these securities would be taken, that thirty railroads have been projected, entailing an expenditure of 24,220,000*l.* I hope that the necessity will never arise for the Government to take the management of any railway into its hands; but whether a case may not arise in which it may be necessary to construct a short line of road for the purpose of ascertaining the expense, or for the purpose of establishing an example as to the mode of management, it is impossible at present to anticipate; but I should deprecate the transfer to the Government of the amount of patronage which would follow the exercise of the power of interference secured by this Bill. I trust that the Government, or any part of the Government, will never be employed as Directors of Railways; but I trust that they will have the right of controlling them, and preventing abuses. I trust that Parliament will give this dormant power of purchase and interference, which will operate as a check on extravagant demands. If you approve of interference with respect to future companies, I cannot see a moment when you are less likely to interfere with the investment of private capital. Seeing the stimulus given to the application of capital by the many new projects now afloat, if you interfere at all you should interfere now. I believe that interference to be prudent and just towards the public interest. Upon these grounds, retaining my respect for those public Companies, knowing that the country is under the deepest obligations to them, and deprecating any measure which would prevent a similar application of capital, I still think it right to take security for the public interest against exaction and abuse, and therefore I give a cordial support to the measure of my right hon. Friend.

Mr. *Ward* said, that the speech of the right hon. Baronet would go far to allay the alarm which had prevailed amongst the parties interested in railways. If it was merely intended to ask for a dormant power of revision and purchase after the lapse of a certain number of years, and to give notice that such fresh conditions might be imposed as experience should show to be necessary for the public good, then those companies that were now applying for powers to Parliament could not but think this notice well-timed. He admitted that the Government had undoubtedly a right to demand from new Railway Companies such securities for the conveyance of troops and letters as were necessary for the public good. He thought the Clause with respect to third-class carriages unexceptionable. The only objection made to it was, that at first, it was feared that third-class carriages would be required with every train. The Bill was complained of because it was not what it professed to be. It asked for great and formidable powers; but, from the speech of the right hon. Baronet, it appeared that those powers were not to be enforced. Why, then, ask for them? The whole of the Clauses, from the 1st to the 17th, traced out a complete system of Government interference. It seemed however, that it was not the intention of the Government to take measures for buying the existing railways, but as the Bill comprised such a provision it had excited the greatest alarm. He found an universal feeling abroad against it, and though the Great Western shares had risen, it had been in consequence of the decision of the other House of Parliament, which was looked upon as favourable to the proprietors. He confessed that he hardly knew what line to take after the olive branch had been held out, as it had been that night, by the right hon. Gentleman. He had confined his use of the term "monopoly" to what was not an invidious or objectionable sense, and had declared that he had no wish to see the power transferred to the hands of the Government. He objected, however, to many of the powers which had been taken, as unnecessarily calculated to create alarm; but if a mere notice to future railways was all that was required by the Government, and if the right hon. Gentleman was willing to take that as the basis of his Bill, he would be inclined to ask the Gentlemen who, like him, had been opposed to the Bill, not to press the Amendment to a division now.

Mr. *Gladstone* begged to state his entire adhesion to the views contained in the speech of his right hon Friend, which, in point of fact, was an exposition of the principle and spirit of the Bill. The hon. Gentleman opposite asked whether he were willing to make the Bill conform to that speech, and he could not hesitate answering the hon. Gentleman in the affirmative. He must, however, remind the hon. Gentleman that the Bill was founded on the recommendations contained in the Report, and that the Report had excited no alarm whatever. In consequence of this the provisions of the Bill had been framed without the least idea that any such alarm was likely to arise; and now that apprehensions had been raised, it was perfectly possible that there were particular enactments in the Bill which might be dispensed with without injury to the objects proposed by the Bill. He had no objection to the introduction of such words as would show that the principles declared by his right hon. Friend at the head of the Government with respect to the management of railways were to be adhered to, unless strong reasons could be shown to the contrary. In the Report of the Committee it was expressly declared, that there was no intention to prejudge any question, but to many the Bill when it came out, appeared to contradict the Report of the Committee, and to foreclose questions which the Committee had left open. But what had been the course pursued? There had been no invitation to modify the Bill, but a demand was made on his right hon. Friend that the Bill should be dropped. Such was the unusual course pursued. For his own part, he referred to the speech of his right hon. Friend as an unexceptionable text-book of the views contained in the Report of the Committee, and expressing the spirit and intention of the Bill, and he hoped any Amendments made would be consistent with that Report and that speech.

Mr. *Hawes* wished to offer only a few observations in reference to the aspersions which the right hon. Gentleman the President of the Board of Trade had cast upon professional Gentlemen interested in this Bill, and also in reference to the speech of the right hon. Baronet opposite. Though he was inclined to place the most unlimited confidence in the assurances of Government with respect to any Bill which they proposed, yet he was bound to look at the Bill itself, and not to trust merely to the professions of Government. If hon. Gentlemen were not inclined to allow him to proceed he would be under the necessity of moving the adjournment of the debate, but as it was only a few minutes past eleven he thought he had a right to be heard. If he looked to the Bill he found its provisions directly at variance with the speech of the right hon. Baronet. If the Bill was merely what the right hon. Gentleman said it was—namely, a Bill to give notice to Railway Companies that at certain periods their fares might be altered and their charters revised, modified, or revoked—then such an object was totally inconsistent with the provisions contained in it. The first Clause provided that any future branch of any railway would be placed within the operation of the Bill, so that if such a branch should be made to the terminus of a railway, the whole of it will come under the direction of the Board of Trade. He said this on authority. Take any case. There was a Bill in the House for constructing a railway from Chester to Holyhead. That was a most important line, as it would be the means of communication between Ireland and the metropolis; and yet that Bill must come under the operation of the Bill. The Manchester and Carlisle Railway Bill would also come under the operation of the Bll; so that, in fact, the Board of Trade would have the master key to all the other railways. If, for instance, either the Great Western or South Western Companies should carry the terminus two or three miles further into London, they would come under this Bill, and the whole traffic on the line would be put under the control of the Government. This was not, as the right hon. Gentleman said, a dormant, but it was an active power. If the right hon. Gentleman would give him an assurance that the provisions of this Bill would not have that effect he would join his hon. Friend, the Member for Sheffield, in supporting the Bill. They ought, however, fairly to consider whether they would place the management of railways in the hands of the Government. They were told that such was not the intention of the Bill. If so, why not purge the Bill of all those Clauses? With respect to the aspersions cast by the right hon. Gentleman opposite on the professional men who had opposed the Bill, he must say that he thought that these aspersions were most unfair and unjust. He believed the right hon. Gentleman had said, that when the third Report of the Railway Committee was published in April it excited no attention. [Mr. *Gladstone*: No opposition.] That the opposition only arose when the Report was published. That was not the fact; and the right hon. Gentleman was misinformed regarding it. The third Report excited great attention, but not opposition. When the fifth Report was published, the circular alluded to by the right hon. Gentleman was issued by Mr. Hunt, calling the attention of railway proprietors to the subject, but no meeting took place in consequence of it. When the Bill was in the hands of the public, another circular was issued by Mr. Burke, and he had with him two letters which would bear him out in denying the assertion of the right hon. Gentleman. He could not accept the interpretation put upon the measure by the right hon. Baronet, and he felt himself compelled to give it his decided opposition.

Mr. *Muntz* could not allow himself to vote without expressing his disapprobation of the Bill altogether. He had not the slightest interest, directly or indirectly, in railways, but he sometimes travelled by them, and he never did so without blessing the time when railroads were first constructed. He thought the Bill would have the effect of preventing the extension of railroads, and on that account he was opposed to it. He had never taken part in any railway; and if the Bill should pass, he doubted whether he would ever take a part. It was in contemplation, he believed, to make an addition to the Liverpool and Birmingham line; but he certainly should not take part in it, and he did not think other people would, if this Bill were passed. The power given by the Bill was not a dormant power. He always felt jealous of the interference of Government; and he was afraid that they would some day find the whole of their business put under the management of the Board of Trade. As he felt desirous to see railroads carried out to their full extent, he must give his opposition to this Bill.

Mr. *S. Crawford* rose amid cries of "oh," and "divide." He would not detain the House two moments. He so very seldom supported the Government, that he could not give a silent vote on the present occasion. As he considered the Bill would give protection to the working classes against what might be called the most dangerous monopoly of the moneyed classes, he would vote in favour of the second reading of the Bill.

The House divided on the question that the word "now" stand part of the question:—Ayes 186; Noes 98: Majority 88.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Adderley, C. B.
Aglionby, H. A.
Aldam, W.
Alford, Visct.
Allix, J. P.
Archdall, Capt. M.
Arkwright, G.
Baillie, Col.
Balfour, J. M.
Baring, hon. W. B.
Barneby, J.
Bateson, T.
Beckett, W.
Bentinck, Lord G.
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Brisco, M.
Brocklehurst, J.
Brooke, Sir A. B.
Brotherton, J.
Browne, hon. W.
Buck, L. W.
Bunbury, T.
Burroughes, H. N.
Campbell, J. H.
Cavendish, hn. C. C.
Cavendish, hon. G. H.
Chelsea, Visct.
Childers, J. W.
Cholmondeley, hn. H.
Clay, Sir W.
Clayton, R. R.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Codrington, Sir W.
Colborne, hn. W. N. R.
Cole, hn. H. A.
Collett, J.
Corry, rt. hon. H.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Cripps, W.
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Denison, J. E.

Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, hn. A.
Eastnor, Visct.
Egerton, W. T.
Eliot, Lord
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Fox, S. L.
Fremantle, rt.hn.SirT.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gladstone, Capt.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Grimston, Visct.
Grogan, E.
Hale, R. B.
Hamilton, Lord C.
Hayes, Sir E.
Heathcoat, J.
Henley, J. W.
Hepburn, Sir T. B.
Herbert, hn. S.
Hodgson, F.
Hope, hon. C.
Horsman, E.
Howard, Lord
Howard, hn. E. G. G.
Howick, Visct.
Hussey, A.
Hutt, W.
Ingestre, Visct.
James, Sir W. C.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knatchbull,rt.hn.SirE.
Knight, H. G.
Knight, F. W.
Labouchere, rt. hn. H.
Lascelles, hon. W. S.
Law, hn. C. E.
Lefroy, A.
Liddell, hn. H. T.
Lockhart, W.
Lygon, hon. Gen.
McGeachy, F. A.
Maclean, D.
Macnamara, Major
McNeill, D.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord J.
Marshall, W.
Marsham, Visct.
Martin, C. W.
Meynell, Capt.
Milnes, R. M.
Morison, Gen.
Morison, J.
Neville, R.
Newry, Visct.
Nicholl, rt. hn. J.
Paget, Col.
Palmer, R.
Patten, J. W.
Pechell, Capt.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Pusey, P.
Rawdon, Col.
Reid, Sir J. R.
Repton, G. W. J.
Rice, E. R.
Rolleston, Col.
Round, J.
Rumbold, C. E.
Rushbrooke, Col.
Russell, Lord E.
Sanderson, R.
Seymour, Lord
Seymour, Sir H. B.
Sheppard, T.
Shirley, E. P.
Sibthorp, Col.
Smith, A.
Smith, rt. hon. R. V.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stuart, W. V.
Stuart, H.
Stock, Mr. Serj.
Strutt, E.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Thornely, T.
Trotter, J.
Verner, Col.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Wallace, R.
Warburton, H.
Wawn, J. T.
Wemyss, Capt.
Williams, W.
Wodehouse, E.
Wortley, hon. J. S.
Wrightson, W. B.
Yorke, hon. E. T.

TELLERS.

Young, J.
Lennox, Lord A.

List of the NOES.

Ackers, J.
Ainsworth, P.
Bailey, J., jun.
Bannerman, A.
Barnard, E. G.
Barrington, Visct.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Borthwick, P.
Bouverie, hon. E. P.
Bowes, J.
Bright, J.
Broadley, H.
Buller, C.
Chapman, A.
Chapman, B.
Charteris, hon. F.
Christie, W. D.
Christopher, R. A.
Clive, E. B.
Cobden, R.
Colebrooke, Sir T. E.
Colquhoun, J. C.
Dalmeny, Lord
Dalrymple, Capt.
D'Eyncourt, rt.hn.C.T
Duncan, Visct.
Duncan, G.
Dundas, hon. J. C.
Easthope, Sir J.
Elphinstone, H.
Feilden, W.
Forster, M.
Forman, T. S.
Gardner, J. D.
Gibson, T. M.
Gill, T.
Gisborne, T.
Gore, W. O.
Greenall, P.
Grosvenor, Lord R.
Hallyburton, LordJ.G.
Hawes, B.
Hayter, W. G.
Hill, Lord M.
Hinde, J. H.
Hindley, C.
Hodgson, R.
Hollond, R.
Hornby, J.
Howard, hn. C. W.G.
Hughes, W. B.
Johnstone, Sir J.
Langston, J. H.
Langton, W. G.
Lemon, Sir C.
Long, W.
Lowther, Sir J. H.
Lowther, hon. Col.
Macaulay, rt. hn. T. B.
McTaggart, Sir J.
Mangles, R. D.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Napier, Sir C.
Ogle, S. C. H.
Ord, W.
Packe, C. W.
Parker, J.
Philips, G. R.
Plumridge, Capt.
Ponsonby,hn.C.F.C.
Power, J.
Protheroe, E.
Pulsford, R.
Rashleigh, W.
Ricardo, J. L.
Richards, R.
Russell, C.
Scott, R.
Seale, Sir J. H.
Smith, J. A.
Somerville, Sir W. M.
Stewart, P. M.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Ald.
Tuffnell, H.
Turner, E.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Yorke, H. R.

TELLERS.

Ward, H. G.
Entwisle, W.

[To the Division the following addition is found in the Votes of the House of Commons.

Objection taken (by Mr. Wallace) to the vote of Mr. Russell, the Member for Reading, who voted with the Noes, on account of his having a private pecuniary interest as a proprietor of Railroad Shares and Chairman of the Great Western Railway Company:—Motion made, and Question proposed, "That the vote of Mr. Russell be disallowed:"—Motion, by leave, withdrawn :—Mr. Speaker declared, Ayes 186, Noes 98.]

Bill read a second time.

On the question that the Bill be committed,

Mr. *Hawes* wished to ask the right hon. Gentleman if he intended to modify or alter the Bill, or whether, when it was considered in Committee, it was to be considered in the state in which it then was?

Mr. *Gladstone* had not had the opportunity of consulting with the opponents of the Bill, and could not say what alterations he might propose. All he could say was, that he was perfectly ready to consider, and desirous to accede to any modification which should tend to bring it into strict conformity with the third Report of the Committee, and the speech of his right hon. Friend.

Mr. *H. Hinde* considered that the House were entitled to see the Bill modified, so far as the Government themselves proposed to modify it.

Sir *R. Peel* had read with great attention the third Report of the Committee, and it was his intention to make alterations in strict accordance with it. In referring to what he had said, the hon. Gentleman had omitted the power of purchase. What he said upon that point was, that he thought the power on the part of the Government and the Parliament conjointly to purchase, should be reserved, not to be exercised indiscriminately, but as a check against abuse. If the measure was not found to be in accordance with the third Report of the Committee, it was the wish of the Government to make it so.

Mr. *Hawes* believed the third Report did not extend to existing Railways, but the very first Clause of the Bill would bring existing railways under the control of the Government, and within the operations of the Act, for by that Clause, every joint or branch line would be brought within the powers of the Bill, and to that extent, existing railways would be affected.

Mr. *Gladstone* said the Bill had been drawn with the *bonâ fide* intention of carrying out the views expressed in the Reports of the Railway Committee and nothing more. It was, however, alleged by some hon. Gentlemen that the Bill did more. He was anxious to discuss and consider any application of that nature in detail, and in any case in which it could be shown that the Bill really went beyond the recommendations of the Committee to alter, so as to bring it in strict conformity with that Report.

Bill to be committed.

ACTIONS FOR GAMING DISCONTINUANCE (No. 2.)] On the question, that the Actions for Gaming Discontinuance Bill (No. 2) be received,

Mr. *Christie* said, I am desirous to take this opportunity of giving an answer to an attack which was made in the course of the debate on the previous night on the character of an individual who cannot defend himself in this House. It will be remembered that the noble Lord (Lord George Bentinck) made an attack in the strongest terms—terms which I will not repeat—on two brothers of the name of Russell, one of whom is a solicitor, and the other the plaintiff in the actions which the pending Bill is intended to suspend. I have received to-day a letter from Mr. Russell, the solicitor, on the subject of this attack, and I will read extracts from it. There are parts not necessary to the vindication of his own character, and by no means complimentary to that of the noble Lord (Lord George Bentinck). The noble Lord has the privilege of saying within these walls, with perfect immunity, whatever he may have heard against the character of any individual out of the House: and last night he had the generosity to use his privilege to a very great extent. I cannot say what I may have heard against the character of the noble Lord in the letter which I hold in my hand from the person he has libelled [*cries of* "Oh, yes," and Lord George Bentinck told the hon. Member he might read it all.] Mr. Christie proceeded:—Even with the noble Lord's permission, I should be offending against the rules of the House. Mr. Russell, the solicitor, writes to me,

"I could never have had the assurance to meet either Mr. Gibson or yourself, had there been a syllable of truth in Lord Bentinck's statement, so far as I am personally concerned. I do not for a moment attempt any defence of my brother's conduct in an affair which occurred some years since, and through which I might have been ruined, had I not fortunately had the means of entirely exculpating myself to the perfect satisfaction of every person. I should grieve much if you or Mr. Gibson consider that, in having honoured me by several times seeing me, you consider any degradation attaches to you in consequence.

You will soon have my evidence printed, and you can then judge how far I am deserving the character this Lord last night gave me."

I hope this evidence will all be printed; it has been made great use of in this House, and I trust there will be no "doctoring" of it before it is printed. As to degradation, I certainly feel none. I have seen this Mr. Russell when he brought me his Petition, and to receive information relative to it; and I can tell the noble Lord that even if he had been what he has represented him, or, to put another case, had been the keeper of a hell, if he had a grievance to be redressed in this House, I would have presented his Petition; but I would have gone no further—I would not have associated with him—I would not have betted with him—I would not have commissioned him to bet for me—I would not have belonged to any club of which he was a Member. I stated in one part of last night that I would offer every factious opposition to this Bill; I afterwards withdrew that threat, with an explanation which has not been given to the public. I will therefore repeat it, that to have carried that threat into execution would cause me much more inconvenience than it could possibly give me satisfaction. But I protested, and again protest altogether against this Bill, and against the mode in which it has been carried through this House, and against the refusal of the House to hear the plaintiff in the actions by counsel at the Bar. If ever man had a right to be heard by counsel against a Bill that man had a right. I can state that in another House a similar Petition will be presented, and supported by a noble Lord of great legal acquirements and reputation; and I do not believe that that House will commit the injustice of refusing to hear him. I will call particular attention to one circumstance in yesterday's debate: evidence taken in another place, and existing only in manuscript, was made use of to prejudice the petitioner's character, and his right to be heard. When that evidence is formally communicated to us, it may prove that an interference has taken place with the privileges of this House which may render a Motion on the subject proper. At present, the circumstances are these: on Thursday last I presented a petition from the plaintiff in these actions, praying to be heard by counsel; a Committee on Gaming in another place, which had for some time suspended its sittings—[*No, no.*]—well that is of no consequence—that Committee immediately after calls the petitioner's solicitor before it as a witness; the witness is rigorously examined as to the petitioner's right to be heard here, and when I came to move yesterday, as I had given notice, that counsel be heard, the evidence taken in that other place is in the hands of Members of this House in a manuscript state, and is used in the debate by noble Lords and right hon. Gentlemen Members of the Government. I say that there is presumptive proof of a conspiracy between the promoters of the Bill in this House, and the Chairman of the Committee in the other place, and whoever that Chairman may be, and he may be the Duke of Richmond, I say that he has abused his position as Chairman of the Committee, and in communicating the evidence in a written state has been guilty of an irregular proceeding. The circumstances speak for themselves. I leave it to the public to judge of the circumstances under which the evidence has been used, and how far those circumstances tend to the credit of the promoters of the Bill, and of a majority which by the aid of that evidence refused the petitioner justice, or to be heard by counsel at the Bar of the House.

The *Chancellor of the Exchequer* thought the hon. Gentleman must have misunderstood what had fallen from him on the former evening. The hon. Gentleman stated that he (the Chancellor of the Exchequer) had objected to hear this individual's petition on the ground of the objection which was raised. The hon. Gentleman was quite wrong. It was known to persons of the highest authority in that House that he had come down early to the House and had searched for precedents, and that, upon an examination into precedents to which he had referred yesterday evening, he had determined to resist the hearing of the petitioner by counsel at the Bar, on the ground that he was not entitled to be heard with reference to any such petition. But before entering into the question, and after he came into the House to take the course he had determined on, it was stated to him that there were other objections on the ground of the petitioner having no personal interest whatever in the matter. He, therefore, thought it right to the hon. Gentleman, before he pledged himself to the accuracy of the statements set forth in the petition, to state that he had heard the parties had no direct interest; and, before he entered into the discussion, he wished to know whether that was true. Now, as far as regarded the character of the petitioner, his resistance to the Motion for hearing him by counsel at the Bar had nothing to do with it; but it was on the ground that Parliament never heard persons by counsel on a Bill which were merely to suspend actions; and he recommended the House to adhere to the precedents, lest they should open the door to hearing counsel indiscriminately, and to the arrest of public business. He had done what he thought to be his public duty on a question affecting the rights and privileges of the House.

Mr. *M. Gibson* repelled a charge that he had associated with improper persons, or persons who had been guilty of crimes. He asserted that that charge was false and scandalous; he defied the proof; the insinuation was unworthy of those who might make it; it had no foundation whatever in truth. The solicitor, to whose petition his hon. Friend had referred, called at his (Mr. Gibson's) house several times; he came to him on public business, and he felt it his duty to receive the party on public business. He felt that he was entitled to hear the communications which were made to him, and to use his discretion as to the use he would make of those communications. That he had done, and that he would do again—more than that he had not done. He protested in the face of the House against the charge that he had ever associated, in the popular sense of the word, with persons who had been guilty of crimes, or who were persons of improper character.

Viscount *Palmerston* said, with regard to the propriety of the conduct of the hon. Gentleman, he was bound to say, as Chairman of the Committee, that, in his opinion, his hon. Friend was justified in the course he had pursued with regard to holding communication with Mr. Russell. It appeared to him that a Member of Parliament who was appointed by the House to pursue an inquiry, and to investigate into any particular matter, performed his duty correctly when he received information tendered to him which, in his opinion, was likely to assist him in pursuing the investigation, and in coming to a correct conclusion. The hon. Gentleman did not take any [fact, or assume any statement of the parties in question, but, in receiving from them suggestions on points into which the Committee ought to inquire, the hon. Gentleman did his duty, and he would not have performed his duty properly if he had refused to receive such suggestions. With regard, however, to the point raised by his hon. and learned Friend who spoke first (Mr. Christie), he must entirely bear out, as Chairman of the Committee, the statement of the right hon. Gentleman opposite. He certainly understood that the decision of the House yesterday did not turn on any judgment hon. Members might have formed of the character of the petitioner, but on this ground mainly, that his case had nothing in it parallel to the case of Mr. Wright, aad also that the petitioner, whose character, whether good or bad, had nothing whatever to do with the question—was not the *bonâ fide* promoter of the actions. He apprehended if he, as a Member of that House, or if other hon. Members, obtained a knowledge, which there was reason to believe was well founded, of certain facts, important to the matter under inquiry, that such hon. Member was not at liberty to put this knowledge out of the question, but was bound to allow it to form an ingredient in the evidence on which he arrived at the judgment he might form.

Report received, and Amendment agreed to.

Viscount *Howick* rose to propose certain Amendments. The House would remember that to the original Bill he had taken this objection—that in the shape in which it stood it gave protection not only to those who had incurred penalties by making large bets in ignorance of the law, but it continued the practice of excessive bets on horse-racing. He then expressed an opinion that the House ought not to pass such a Bill before they had instituted a full inquiry into the subject, and were prepared to deal with the whole question of Gaming. He had stated that the House ought not to throw its shield over the practice of betting at horse-races; and he proposed that the Bill should be confined to the transactions which were the subject of the recent actions. A compromise was agreed to, and the Bill was confined to a protection against actions for bets alleged to have taken place before the 1st of June last. All bets subsequent to the 1st of June were to be left liable to any penalty under the law as it then stood. If his noble Friend had proposed a simple continuance of the Act he should have had no objection to the proposal, but a Committee was appointed, and an extensive inquiry undertaken. The Committee recommended certain alterations, but the House was not called upon to make complete alterations just at present. The Bill which was introduced had this objection—that so long as it continued in force it threw its shield over that which formed the subject of complaint. Its effect was particularly to except parties from all the penal consequences of heavy betting at races. It was on this ground that he objected to the Bill. As the system went at present—and a recent trial had thrown some light on the system—it appeared to be decidedly injurious to the morals of the country; and this being so, he certainly was not prepared to give additional protection to persons engaged in such transactions. In the first place he proposed to strike out certain words in the preamble. He should also propose that only one of the Clauses be retained, so that the Bill would run thus—"Be it enacted that the said recited Act of Parliament should only remain in force until the next Session." He would thus reduce the operation of the Bill to one Session only. What would be the situation of the House if the Bill were passed? He called on the House not to carry their protection further, or to take away any legal penalty for enormous betting at horse races. It had been said there was no fraud in these cases; but was there no fraud in betting on the turf—did not the system lead to fraud? Was not the enormous stakes the cause of transactions which had created so much scandal recently in a court of justice? He was no enemy to horse-racing in the way of fair sport and amusement, but he did not approve of it as a medium of gambling and winning money. If his Amendments were adopted no difficulties would be thrown in the way of horse-racing, so far at least as horse-racing was conducive to fair amusement. He was not prepared to discontinue the public informer for public utility sake, and for the prevention of immorality. In matters of excise they were usefully and very properly employed by the Government. The noble Lord concluded by moving the former part of his Amendment, for omitting the words in the preamble, "to prevent for the future the bringing of such actions."

Viscount *Palmerston* objected to the Amendment and to reduce the measure to the very small dimensions which such an omission would create. They were not in the same position then as they were at the time the earlier measure had been brought forward, and to the terms of which his noble Friend was anxious to limit this Bill; inasmuch as a Committee had since been appointed, which had unanimously reported that these penalties were inexpedient. That former Bill was limited to transactions prior to the 1st of June, and he (Lord Palmerston) had thought that they would, perhaps, before the end of this Session of Parliament, have been in a position to have introduced other measures upon this subject. The inquiry, however, had continued longer than was anticipated, and he was not at all surprised that the Government should not have undertaken to frame any Bill on the Report of the Committee during the present Session. He doubted not that they would legislate on the subject in the course of the next. He did not see how the House could establish a sort of sumptuary regulations to prevent what his noble Friend termed heavy betting, or one gentleman from betting with another; neither did he see the perfection of the moral arguments of his noble Friend, when he said that those who were disposed to bet might bet with honourable men, and not with dishonourable characters. If gambling and betting were to be prevented, he thought, in a moral point of view, it ought to be to the extent of preventing it in secret as well as in public, and among honourable men as well as dishonourable. It had been said that this Bill was founded on a principle of class legislation. He admitted that it was so; but it was for a class of honest men—and to protect them from dishonest men—and from exposure to *qui tam* actions, founded on the basest motives. He could not, therefore, consent to the proposition of his noble Friend.

Sir *J. Graham* said, the reasoning contained in the Report of the Committee appeared to him conclusive. He had not, as yet, consulted with his Colleagues, but speaking his individual opinion, as at present advised, he certainly concurred entirely in the Report, and would, therefore, support the Motion of the noble Lord. It was evident that legislation must take place next Session on the subject, and he trusted it would be in conformity with the Reports of the Committee.

Viscount *Howick* would not divide on the Motion (which was accordingly negatived).

Bill to be read a third time.

Dog Stealing.] On the question that Mr. Liddell be one of the Members of the Select Committee on Dog Stealing,

Mr. *Labouchere* condemned the appointment of such a Committee to give protection to the poodles and lap-dogs of the metropolis.

Mr. *Liddell* said, that information had reached him of an organised confederacy in the metropolis for stealing lap-dogs.

Mr. *Wakley* expressed a similar belief, but thought the appointment of a Committee on the subject objectionable.

The House divided on the question:—Ayes 35; Noes 8: Majority 27.

List of the Ayes.

Baring, hon. W. B.
Bentinck, Lord G.
Blackburne, J. J.
Buller, Sir J. Y.
Clayton, R. R.
Clerk, Sir G.
Cripps, W.
Fremantle,rt.hn.SirT.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greene, T.
Hale, R. B.
Herbert, hon. S.
Jermyn, Earl
Knight, F. W.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
McNeill, D.
Marsham, Visct.
Martin, C. W.
O'Connell, M. J.
Peel, J.
Power, J.
Pringle, A.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir F. W.
Waddington, H. S.
Wakley, T.
Young, J.

TELLERS.

Liddell, hn. H. T.
Douglas, Sir C.

List of the Noes.

Archbold, R.
Brotherton, J.
Escott, B.
Hawes, B.
Hussey, A.
Palmerston, Visct.
Seymour, Lord
Wawn, J. T.

TELLERS.

Howick, Visct.
Labouchere, rt. hn. H.

Remainder of the Committee nominated.

House adjourned at a quarter before two o'clock.

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HOUSE OF LORDS,

Friday, July 12, 1844.

Minutes.] Bills. *Public.*—1^{a}. Sudbury Disfranchisement.

2^{a}. Turnpike Acts Continuance; Three-and-a-Half per Cents. Exemption; Vagrants Removal.

Reported.—County Rates, etc.; Militia Ballots Suspension; Stock in Trade; Charitable Loan Societies (Ireland); Turnpike Acts Continuance (Ireland).

Private.—1^{a}. Great Southern and Western Railway (Ireland).

2^{a}. Swansea Improvement; Kingston-upon-Hull Docks; Mariners' and General Life Assurance.

Reported. — Birkenhead Docks; Coventry Improvement and Cemetery; Southampton Improvement.

3^{a}. and passed:—Wells Harbour and Quay; Devaynes's Estate; Ladbroke's Estate.

Petitions Presented. By Bishop of London, and Lord Teynham, from Bristol, and an immense number of other places, against, and from Birmingham, and several other places, in favour of the Dissenters Chapels Bill.—From Sussex, for Protection to Agriculture.—From Great Driffield, against any Alteration in the present Corn Laws.—From Roman Catholics of Nuneaton, and Chilvers Coton, in favour of the Roman Catholic Penal Acts Repeal Bill.—From Presbyterian Schoolmasters of Aunan, for Inquiry, with a view to their Better Remuneration.—From East Suffolk Agricultural Protective Society, and from Society for the Emancipation of Industry, relating to the Bank of England Charter Bill. — From numerous Engravers, for Legalizing the Proceedings of Art Unions.

Actions for Gaming Discontinuance. (No. 2.)] The Duke of *Richmond* said, their Lordships' Committee upon Gaming had desired him, as their Chairman, to state, in reference to what had fallen from the noble Earl opposite (Lord Radnor) the other night, that it was with their agreement and concurrence he had communicated certain evidence to an individual in another place—the Chairman of the Commons' Committee on Gaming.

The Earl of *Radnor* understood the Commons' Committee had for some time ceased to exist, therefore the communication could not have been sent to that noble Lord even in his capacity as Chairmain of the Committee. He considered it most irregular and unfair, that previous to their Lordships' Committee having reported, and despite their prohibition against the evidence being published for the use of any but their Lordships, such a communication should have been made to a Member of the other House, for the purpose of promoting the opposition to a certain course proposed there, as to hearing counsel on the part of a plaintiff about to be effected by a measure before Parliament.

The Marquess of *Normanby*, as a Member of the Committee which had been referred to, begged to say, that his noble Friend was quite mistaken as to the object in communicating the evidence, which had been done with the consent of the Committee. He was aware, as a Member of the Committee, that his noble Friend had done this. His noble Friend had shown him a pamphlet coming from one of the Gentlemen whose name had been so often mentioned, and in that pamphlet a complaint was made by the writer that he had not been examined before the Committee of the House of Commons; and his noble Friend had referred to him, and asked him whether it would not be fair that he should be examined before the Committee of the House of Lords, to which he (the Marquess of Normanby) at once assented. The noble Duke then, with a view of making this party's case known, with the consent of the Committee, placed this evidence in the hands of the Chairman of the Committee of the other House, and left it to his discretion as to the use of it. He knew that that Committee continued sitting up to Friday week. There was now one topic on which it was necessary for him to say a word. He must say that he could hardly believe it possible that it could have been asserted in another place — however young the Member there might be, and therefore however inexperienced in the proceedings of both Houses—he could not believe that this could have been asserted by any one, or that any such reference as this should have been made to his noble Friend (the Duke of Wellington), he could hardly think it possible that these words had ever been uttered:—

> "I say that there is presumptive proof of a conspiracy between the promoters of the Bill in this House and the Chairman of the Committee in the other place, and whoever that Chairman may be, and he may be the Duke of Richmond, I say that he has abused his position as Chairman of the Committee, and in communicating the evidence in a written state, has been guilty of an irregular proceeding. The circumstances speak for themselves. I leave it to the public to judge of them. They reflect no credit on those who have used the evidence to prevent the petitioner from being heard, nor on the Duke of Richmond, if he has communicated the evidence taken before a Committee of which he may be Chairman."

He could hardly believe that any one could have stated that his noble Friend, as Chairman of one of their Lordships' Committees, had entered into a conspiracy, for that or any other object whatever. He said, that if such words were used, and by a young Member, it was to be hoped that he would become better acquainted with the usual rules which governed the Members in both Houses, that he might learn how unjust and how improper it was to make such observations; for if such words were used by any Member of the other House advisedly and with premeditation, there could not have been committed a grosser abuse of the privileges of the other House, or a greater violation of their Lordships. The hon. Gentleman in question might or might not be acquainted with the character of the noble Duke, but whether he was or not, he could not impair the respect entertained for his noble Friend. Differing as he did from his noble Friend on political subjects, he was sure he might say this, in the hearing of all their Lordships, that whatever were the political views of his noble Friend, they were always upheld, always advocated, in that manly, candid, plain, and straightforward manner, that became his character, that won for him the regard of all who knew him in public; and still more, if that were possible, of those who had the advantage of knowing him in private; for all would willingly bear this testimony, that his noble Friend could not do anything but that which was most honourable, and never could adopt any unworthy course —never could, as it had been here said, enter into a conspiracy for any purpose. He must own that he felt some indignation in referring to such an accusation, and he had a right to do so, irrespective of his noble Friend; because if such an intention had actuated his noble Friend in giving the evidence, then every Member of the Committee was likewise guilty of the interference that had been complained of; for that possibly could not have taken place, nor could the evidence have been given, without the cognizance of the Committee.

The Earl of *Radnor* knew nothing of what had been said in the other House of Parliament on this subject. He only rose to state his opinion, that as the evidence had been taken before a Select Committee, and was printed only for the use of the Members of the Committee, the evidence ought not to have been communicated in the way it had been. It was, undoubtedly, a very irregular mode of proceeding.

The Duke of *Richmond* said, that as his name had been mentioned he should be excused for saying a few words on this subject. In the first place, he had to observe, that it was at the desire of the Select Committee that the communication of the evidence complained of had been made, and one of the motives of the Committee in sending that evidence was, that the party complained he had not been examined before a Committee of the

House of Commons, and had no means of refuting the statements that had been made against him. And who was the first person, or rather who were the first persons, that saw the evidence. The two Gentlemen who had brought forward the case in favour of the petitioner. There could not be an intention to make an unworthy use of that evidence, when the first persons to whom it was communicated were the parties who had advocated the cause of this man. Now, when he accepted the office of Chairman of their Lordships' Committee, he was well aware of the consequences to which he exposed himself—he was well aware how disagreeable it must be to many that the gross robberies and frauds which had for too long a time been permitted to continue should be inquired into—he was well aware, that as Chairman of such a Committee, and strictly discharging its duties, he should be open to the attack of men who had been living for a series of years on the plunder of the public. He did not care much for the abuse of such parties, and he certainly should not have thought it worth his while to have referred to the supposed statement made by a Member of the House of Commons. He took higher ground than that. He stood before the country on his character; for he conceived he had a right to stand and rely on that alone. He knew that when young and zealous Members first came into Parliament—possibly when it was a very extraordinary thing to themselves to get, or to find others to send them there—but when such persons found themselves for the first time in Parliament they might fall into the fault of giving too ready a credence to those who came to them with their long stories, and they might be too easily induced to conclude that the tales told to them were literal facts. When, however, a man was a certain time in Parliament, he learned how many there were ready to go to him with their cases, and to tell him things that were worthy of very little attention. The older Members of both Houses of Parliament learned at last some wisdom from experience. For himself he did not feel in the least annoyed if this Gentleman had attacked him for what he conveived to be a portion of his duty; but if his assailant should be a young Member of Parliament, he who was old, and who had been a considerable time in Parliament, would say, that no Member ought readily to impute motives to others which, if he were a Gentleman, he should never entertain himself, and by which if he could be for one moment actuated, he could not keep his character and station in society.

Lord *Monteagle*, as a Member of the Committee, was willing to share the responsibility with the noble Duke, who had completely vindicated himself from any charges which might have been brought against him. He was not aware of what had taken place elsewhere, but he knew that the hon. Gentleman to whom allusion had been made was the last person in the world who would avail himself of his privileges as a Member of Parliament to cast reflections upon any man.

Lord *Campbell* considered that the noble Duke had completely vindicated himself; but it was very natural that a Member of the other House should be surprised at finding that the evidence which had been taken before their Lordships' Committee had been communicated to other persons; for in the excellent work of Mr. May (of the House of Commons) it was expressly stated that was contrary to the standing Order of the House to communicate the evidence which was given before the Select Committees of that House until it should be reported. He was not aware of what had passed in the other House, and had been anticipated by the noble Lord who had preceded him in the vindication of the hon. Member to whom the noble Duke had alluded. There was not, he believed, a Member in the House of Commons who was more respected than that hon. Gentleman was by both sides of the House. He was regarded and esteemed as one of the most rising men in that House, and would eventually, he believed, become one of the most trusted representatives of the people.

INDIA.] The Marquess of *Clanricarde* rose to put the question to his noble Friend opposite of which he had given notice, relative to events of great importance which were now passing in India, and to which it was desirable that the attention of Parliament should be directed. Undoubtedly he knew that it was not usual for Parliament to interfere very actively in Indian affairs, either with respect to what was actually going on, or to what might be in prospect, and he quite concurred in the general conviction that great latitude and discretion must be given to the Governor General of India who was placed in very difficult circumstances at such a distance as he was from Her Majesty's Councils. At the same time, he thought, looking to the improved communicatons, and the accelerated intercourse with that country, and the character of the events which had taken place there, it would not be mischievous, but might be attended with some advantage, if Parliament were to look to the affairs of our Indian Empire, not only with a view to express an opinion upon what had been done, but with a view to exercise an influence, which might have a prospective effect on the policy to be pursued; and he therefore hoped their Lordships would not think him without justification in seeking for some information, which he considered of importance. As to the events that were passing in the western parts of India,—he alluded to the appearances which, according to the information received by the last Indian mail, were stated to have presented themselves in the Punjaub, and on the frontier of our newly-acquired territory Scinde. By the last accounts brought by the mail from India, it appeared that a large force was collected on the western frontier of the territory of the Punjaub, that Sir Charles Napier was about to assume the command of that army, and that the Governor General was about to proceed to Meerut to be nearer the scene of action and to watch events. Considering the events which had notoriously occurred in the Punjaub recently, and the state of that country, and considering the appearances—which were represented by those accounts to which the public had access, he thought the state of affairs was calculated to create considerable anxiety. It was impossible to forget the result of the last collection of troops under the immediate superintendence of the Governor General, and the command of the gallant general whom he had named. He did not wish to refer to transactions, upon which we had now suspended their judgment, in any invidious manner; but when he saw an army thus collected, he wished, for many reasons—although he mentioned but one of them—to know whether it was in the contemplation of the Indian Government to commence hostilities, or whether there was any reason which rendered it necessary to prepare for the defence of a frontier upon which it did not appear that any aggression was threatened. He wished, therefore, to ask his noble Friend whether the nature of our friendly relations with the government of Lahore was in anywise altered, or whether there was any apprehension of hostilities from that government or from the chiefs of the Sikh country. But it was not only on the frontiers of the Punjaub that there were these appearances of a military force, but in and around our newly-acquired territory of Scinde there were appearances which justified anxiety and called for the attention of Parliament. It appeared that Sir C. Napier had found it necessary to call together a meeting of the Beloochee chiefs. He was not going to ask so improper a question as, that his noble Friend should tell the House directly what were the instructions given to Sir C. Napier as to the negotiations into which he was about to enter, if such negotiations were pending. Undoubtedly there must be good reasons for calling together so great a force; but he was sure their Lordships would be very glad of any information which the Government should think fit to communicate, and the more so because there was a general rumour that in consequence of what had already taken place there was a desire, on the part of the Indian Government, to extend the British possessions on the banks of the Indus or of the Sutlej, for the sake of the benefit which commerce and navigation would derive from such an acquisition. He was not going to allude to the circumstances of the annexation of Scinde to our territory. He was not questioning the policy of that act. He merely mentioned it as a matter of fact, because he was asking a question relating to consequences which directly arose from it. And when their Lordships considered the great desire professed by Lord Ellenborough on entering on his Government, for peace and tranquillity, and how earnestly he protested against any thing like aggression or any increase of our power or even influence beyond what he pointed out as the natural boundary of our Empire, and when they found that circumstances had led or forced him not only to extend our influence, but actually to take possession of territory beyond what he had called our natural boundary, they must regard with peculiar anxiety the issue of these preparations. Ever since 1786 he dared say before, but at least ever since it had been laid down, both in the form of Resolutions and of speeches, that an unlimited extension of territory would be very dangerous to our Indian Empire. Although the nature of our possessions itself rendered it impossible to say that they should be confined within any definite boundary line, natural or otherwise, or to lay down our arms and say we would not, under any circumstances, engage in hostilities, or extend our power; at the same time the best authorities in Parliament had laid it down that we should not proceed unnecessarily to extend our territorial possessions in Asia. But it appeared now that in consequence of the advantage derived to our possessions by the control of the Indus and other streams adapted for navigation and commerce, great benefit would arise from extending our dominion still further. He therefore thought it right, considering the appearances which presented themselves, and the matters which had occurred, to ask his noble Friend whether Sir Charles Napier had been instructed to acquire, by negotiation or otherwise, any addition to our territorial possessions on the banks of the Indus, or of the Sutlej? It was natural that attention should be turned to this subject at the present moment, because the accounts from India, as far as the public knew, were anything but encouraging. He knew that Sir Charles Napier conquered Scinde with an army of 5,000 men; but in order to retain it, he was obliged to have a force of 16,000. In addition to this, the Beloochee chieftains were making inroads upon our territory, and the peasantry of that country —the Ryots as they were called —were more harrassed, oppressed, and damaged, than at a former period, under a barbarous and less powerful Government, because the Beloochees were not content with carrying off cattle and plundering valuables, but burnt villages, and killed the inhabitants, and lost no opportunity of attacking those who were employed in our service, or were even indirectly attached to us. It was even stated that a village had recently been burnt at a short distance from Shikarpore, where there was a brigade of our troops. To guard against these things, that immense extent of frontier demanded a very large force to supply guards to outposts, and as he had stated, 16,000 men was the number of troops required for its defence; whereas the country had been conquered by 5,000 men. He repeated, he was not questioning the policy of that conquest, but he said the matter was one which called for the attention of Parliament, and it would be satisfactory if his noble Friend, instead of merely answering the question which he put to him, would give the House an assurance that before the end of the Session he would come down with some extended information to enable their Lordships to judge what was really the state of Scinde, and what were the prospects of that country, because—to take but a limited part of the question—this state of things entailed an immense expense upon us: we were obliged to sustain the expense of a war without any of the glory or the profit which a war might produce, or any prospect of a termination of the present unsatisfactory state of things. The possession of that territory, we had been told was to be extremely valuable to us, and in the end it might turn out to be so, but he should like to be informed whether it was true, as stated, that the revenue of Scinde only sufficed to pay its civil expenditure, and that the whole of the military expense fell upon the East India Company. It was of great importance to attend to this, because although it fell upon the East India Company, nevertheless whatever fell upon them, really and practically pressed upon the resources of this country. [The Earl of *Ripon*: Indirectly.] Not indirectly, but directly, because he took it as an undoubted fact, that for some years back the expenditure of the East India Company, in consequence of these very military operations, exceeded their revenue. This could not go on for ever, and it must come to this, that there must be a sudden reduction, not with a view to the exigencies and the policy of the country, but solely with a view to reducing the expenditure. Therefore it was evident how much the mother country contributed towards these operations either by money or the materials for carrying them on. The operations and military movements, expensive though they were, yet were not the only ground of expense, for, according to the accounts which he had seen of events there, it was clear that considerable loss of life had resulted from these victories and the other operations, and thus an additional expenditure must have been added to the pension list. Now, if the events which had taken place already there were repeated—if those proceedings were continued, it was quite clear that the expenditure would go on increasing in that latter respect. If this state of hostility were continued, Government would have to continue to supply troops, and their Lordships would see the result of maintaining an army in a country in which the Indian troops were indisposed to serve, indeed, so much that a mutinous spirit had been evinced in a certain portion of the Bengal army, and that spirit would appear to have been, in a great degree, successful; for though the ringleaders and others were punished, yet a great number of those who had been indisposed to go, had not, in fact, since gone. He therefore hoped that, before Parliament separated, some statement would be made with respect to those circumstances. With regard to the present and future proceedings in that country—he said the present and future proceedings, for their Lordships might have remarked that he had not said one word as to the proceedings which had already taken place, as he looked upon that portion as *un fait accompli*. He only, therefore, required them, to look to those occurrences and that state of things which were the consequences of that *fait accompli*. He thought that the public accounts were such as to justify an anxiety to hear a statement from the Government with respect to the subject, and he begged to say, that in addition to the information which he had already stated he would require, he was also anxious to know if the Government would, during this Session of Parliament, be prepared to lay any statement of the financial resources of Scinde, and the amount of revenue which the East India Company might hope to derive from it?

The Earl of *Ripon* said, that the noble Marquess, in those questions to him, had gone rather beyond the limits which his notice indicated, but, nevertheless, he should endeavour to answer them as explicitly as possible, and he had no doubt that he should be enabled to answer them satisfactorily. He did not anticipate from the terms of the notice that the noble Marquess would put that question with respect to Scinde and its financial resources, and the amount of expense in which it had involved this country, as he thought that it was the intention of the noble Marquess to confine himself rather to the subject of the Punjaub. The noble Marquess said it was rumoured that certain extensive operations were contemplated in India; but it appeared in this case that rumour had, as it generally happens, greatly exaggerated whatever truth there might have been in the accounts which reached this country of the collection of the military force to which the noble Marquess had alluded. It was rumoured that an army of 80,000 men had been collected on the confines of the Punjaub, and that the army so assembled was to be placed under the command of Sir Charles Napier, for the purpose of invading and subjugating that country. Now, that rumour was altogether without foundation—there was no such army collected on the confines of the Punjaub—he (the Earl of Ripon) knew nothing of the assembling of any such army, and Sir Charles Napier, was then probably either at Kurrachee or Hyderabad, and had not the smallest idea of having been placed at the head of 80,000 men on the banks of the Sutlej. But with respect to the military state of our north-west frontier in India, he had to offer a few remarks. Within the last few years it had become obvious to every one who had paid any attention to the geographical and political position of that part of India, that it was indispensably necessary that a large portion of the military force of the Presidency of Bengal should be concentrated in the north-western provinces. Everybody knew that that part of our possessions were those most liable to any sudden attack; and that it was indispensably necessary that they should be at all times in a condition to meet such an emergency. On that account, and considering the actual position of the Punjaub—the confusion which had now existed for a considerable time—the utter powerlessness of its Government—the uncertainty how far it could or could not maintain friendly relations with the surrounding countries—considering all these things, they would admit that it would be nothing short of insanity to leave that portion of our territory without adequate means of self-protection. When he recollected that the country adjoining the Sutlej, and which constituted the boundary of Lahore, was not ours, but it was composed of "protected states," really held by independent Sikh chieftains, who relied on us for protection, under whom cultivation had been extended to a great extent, and, from that very circumstance, offering a strong temptation to their disorderly neighbours in the Punjaub, who obeyed no rule—when he considered this, and when he recollected that such an incursion would be an attack on those defenceless Sikh cheftains who relied for their defence on us, he thought that every one would admit that our position on that river ought to be such as would prevent any attack being made with any prospect of success. It was for that object that a force was stationed there, and he could assure the noble Marquess that neither the Governor of India under Lord Ellenborough, as it was now constituted, nor the authorities at home, had ever the slightest desire to obtain an inch of territory in that quarter in so doing. Their views were essentially pacific. But nobody could say what circumstances might arise—nobody could say that we might not be forced to defend ourselves, or those who relied on us, and for this our sole defence would be the presence of the Bengal army. He trusted, therefore, that what he had said would allay the fears which the noble Marquess entertained of our taking advantage—which by the way would not be a very honest proceeding—of the state of anarchy and confusion which prevailed in that country. With respect to Scinde, the noble Marquess had asked him whether he had heard the rumour that it was the intention of Government to extend their territory still further, beyond the Indus? The noble Marquess had been more fortunate than he was, for he had never heard of such an intention; and he believed such an idea had never entered the mind of any one, except the person who had originated it. It was quite true that a recent incursion had been made into the neighbourhood of Shikarpore by an armed body of one of the tribes, who did not belong to Scinde, but to the Hill tribes on its north-western frontier, and that a village had been burned. It was an incursion similar to those which had been made on former occasions, a recurrence of which would be prevented by the measures taken to protect the inhabitants. The last question which the noble Marquess asked was, whether Government was prepared to lay before Parliament during the present Session any detailed information on the state of affairs in Scinde, and particularly with respect to its revenue, and its capacity to meet the expenditure of its Government. He was not prepared to give that assurance. Government were desirous of giving every information they could on the subject, but he was not prepared to say that he could lay on the Table any information which would satisfactorily meet the object the noble Marquess had in view. The noble Marquess must recollect, that the transactions to which his questions referred were of recent occurrence, that there had been a transition from one species of Government to another, and that it would therefore be imprudent to lay before the House any information which might be imperfect, and being so would not be available to the noble Marquess. With regard to the revenue, it was undoubtedly true that the amount derived from Scinde was not equal to the expenditure. But that was to be expected, when a new system was introduced, and which they had been obliged to incur a considerable expense with respect to the troops. The noble Marquess had alluded to the unhealthiness of the climate and the sickness of the troops, but he believed that it was not so destructive as it had been imagined; and it was a singular circumstance in the sickness of last year that the natives of Scinde had suffered as much from it as the sepoys in the Indian army. From all he had heard he flattered himself that there was no ground to expect that the sickness was likely to prevail to the extent it had done, or that it was to be considered as the habitual condition of that country, or of periodical recurrence; he believed that there were very few parts of our possessions in India in which, at certain seasons, sickness of the like destructive kind as that which prevailed last year at Scinde did not exist. He believed he had answered all the topics adverted to by the noble Marquess, and he trusted he had allayed his anxiety on the most important of them.

BANK CHARTER — THE CURRENCY.] The Earl of *Ripon* rose to move that the House do resolve itself into a Committee on the Bank of England Charter Bill, and said, that in so doing, he felt called upon to explain to their Lordships the grounds on which it had been brought forward, and the provisions it contained. It was not necessary to detain their Lordships at any length by discussing the principles of Currency and Banking; those principles had been so frequently considered and such extensive inquiries into those subjects had taken place in both House of Parliament, that he apprehended their Lordships were in a condition to satisfy themselves with respect to the principles on which the Currency and Banking of this country ought to be conducted. It was necessary, however, that he should state how it happened that this question was brought before their Lordships in the course of the present year. By the Bank Charter Act of 1833, that at present existing, a provision was made that it should continue in operation to 1834, but that at the expiration of the first ten years it should be competent to Parliament on giving notice to revise the regulations of that Act, and to make such alterations therein as it should seem to require. The provision of the Act was this, notice might be given at the expiration of ten years; but if that opportunity was suffered to pass without notice being given, then it would not be competent to Parliament to interfere in any subsequent year, and the Charter would run its whole period of twenty-one years. When, therefore, the period arrived when it was competent to Parliament to consider the question, the Government had felt that many circumstances rendered it desirable that some further steps should be taken to give more scope and efficiency to the great principles on which the Act of 1819 was founded, and with reference to which the late Bank Charter Act was framed. When that Act was proposed, many opinions were strongly expressed in favour of a system still more exclusive than that which exists under the present Act; and his noble Friend, the then Chancellor of the Exchequer (now Earl Spencer) expressed an opinion, and others of great information and experience agreed with him in thinking, that the true plan which ought to be adopted was, to have one bank of issue for the country, and some, in fact, went the length of supposing that the Government itself ought to constitute that bank of issue. That view was not, however, generally entertained. He (Lord Ripon) thought it a measure of very doubtful policy, and which might be attended with consequences of a serious kind; he thought there were constitutional objections of great weight to such a system, and he doubted whether, even if the Government were invested with the power, it would have been able to persevere in controlling the Currency, but that Government and even Parliament would have been prevailed upon to relax the screw from time to time, and theory would have been lost sight of for the purpose of relieving particular interests. The Government thought, that looking particularly to the effect of recent laws, it was desirable that the Bank of England should be made not the sole, but the main instrument of issuing paper, and of providing for the wants of the country in respect to its paper currency. It did not appear that what was done in 1819 and 1826, and subsequently to the renewal of the Charter—after the recognition of the principle upon which the Act of 1819 went; viz., the establishing the convertibility of paper into gold—had practically had the effect of preventing injurious and excessive fluctuations. Their Lordships would, no doubt, recollect the pressure that there was in the money market in 1825—the most severe pressure, he believed, which had ever existed in this country. Indeed, he believed that the effect of that pressure was greater than that which occurred in 1797, previous to the Bank Restriction Act. In the year 1826, the amount of bullion in the coffers of the Bank was so low that many persons apprehended that the time was near when it would have none at all. It did so happen, that before that critical period arrived, the exchanges became favourable and those who looked to them as indications of the actual state of the money market were convinced that the tide had turned, and the lowest point had been reached. So critical was the state of affairs that the very morning when the Bank Directors expected that they would be obliged to pay their last sovereign, there arrived at Dover a considerable quantity of sovereigns which had been exported to the Continent in the former year in the way of merchandize, in consequence of the state of the exchanges, and this timely arrival of gold prevented the dreaded consequences from taking place. That state of things led to certain alterations in the year 1826 with regard to country banks, the object of which was to permit the formation of Joint-Stock Banks of Issue, under the supposition that when such a great number of persons would be concerned in the banks, and where such publicity would be given to the proceedings, they would operate as a check in preventing over-issue. But this expectation was not realized. In 1832, occurred another serious pressure, and in 1836 and 1839 circumstances assumed a serious aspect, that it was impossible not to see that the mere convertibility of paper into gold was not a sufficient security, and it became indispensably necessary that something should be done, in order to prevent an evil the consequences of which it was impossible to exaggerate. People who saw a business going on with the greatest activity could not imagine or measure the consequences which might arise if the issue of paper were not regulated by some safe rule—and there was none but the foreign exchanges. If the exchanges were unfavourable, and the gold went out of the country, if more paper were issued, it drove it out still more, and if the Bank of England, which has the best means of judging of the state of the foreign exchanges, thought it wise and prudent to restrict its issues in consequence of any appearance, which was perceptible, yet it would not, at the same time, check the issues of the country banks; for it appeared from the Report laid before the other

House of Parliament, according to the evidence of Mr. Hobhouse and Mr. Stuckey, persons of great experience and both country bankers, that the country banks did not regulate their issues by the state of the exchanges, but simply by the demand; that is, they issued their notes according to the demand for them, without reference to the ultimate consequences of such issues. He (the Earl of Ripon) did not blame them; but thus it might happen, that just at the moment when the Bank of England, acting upon sound principles, were reducing their issues in order to correct the exchanges, at that very moment the Joint-Stock Banks and others were increasing their issues, and thus neutralising the endeavours of the Bank of England. It was well known that in some of those years, viz., 1836 and 1839, several Joint-Stock Banks had failed; and in the manufacturing districts, he believed that not less than 2,000,000*l.* of notes had been put in circulation by those banks, and as they had little or no security, the unfortunate people who held the notes at the time those different banks failed, got nothing, or nearly nothing, for them. In some cases, 2*s.* in the pound was received, but that was the utmost dividend given in any instance, and some instances paid nothing at all. It was, therefore, plain that the law in its actual state was not calculated to meet all the contingencies that might arise, and, above all, that it was not calculated to give that which was so essential to the best interests of the country—a steady currency, placed upon a sound and unvarying basis. The present measure was intended to produce that result, and he believed it would be found calculated to meet the difficulties which existed under the existing system. The general principles on which it was based had, he believed, met with very general approbation throughout all parts of the country. It was, he thought admitted to be based on sound principles, and it certainly had no object in view except to give that security which all admitted to be so desirable to have established. It proposed, in the first place, to limit the circulation of the country banks; and, secondly, the circulation of the Bank of England was proposed to be effected in the following manner: The Bank was to be at liberty to issue notes to the amount of security which it held; and, further, it was to be at liberty to issue notes in proportion—in exact proportion—to the bullion which they might have in their coffers. The better to effect that result, the Bank was to be divided into two portions—one a bank of issue, and the other, a bank of deposit. He spoke of course, of the ordinary functions of the Bank. The amount of issue in circulation was to be handed over to the bank of deposit, and was in the first place to be 14,000,000*l.*; it might of course be less if the Bank chose, but that was not at all probable. The amount of issue was then to be 14,000,000*l.*, and that was to rest on the basis of the 11,000,000*l.* which the Government owed to the Bank, together with 3,000,000*l.* of other securities—such as Exchequer Bills, stock, and other exchangeable and convertible securities, making the whole amount to an aggregate of 14,000,000*l.* But it was quite obvious that a sum of 14,000,000*l.* tied down in that way would be a very inadequate provision for the wants of the country; and it was therefore provided that this same bank—to wit, the issue branch of the Bank, should be obliged to issue notes at the regular Mint price, for all gold, bullion, or coin of any sort that might be brought into them for that purpose. Now, their Lordships would see how the matter stood at the present moment, and it would be important for them to direct their attention more particularly to it, as so much had been said as to the effect which the measure might possibly have in contracting the currency of the Bank. There would be 14,000,000*l.* issued on security, and there would, in addition, be the amount issuable on the bullion held by the Bank. At the present moment, the actual issue of the Bank did not exceed a sum amounting to between 20,000,000*l.* and 21,000,000*l.*; so that if the proposed scheme were at the present moment in force, the actual issue would be about 14,000,000*l.* on security, and 7,000,000*l.* on bullion. But the bullion which the Bank now held was nearly 16,000,000*l.*; so that the Bank would actually have a capacity of extending the issue—should it be thought necessary to do so—to the amount of 30,000,000*l.* He did not mean that it would be advisable for the Bank to increase the issue to that amount—he had by no means any intention of making such an assertion; but what he meant was, that the Bank could go as far towards that amount of 30,000,000*l.* as would be necessary to meet the demands of the country. But, then, if the Bank were to go beyond that prudent line, what would be the effect? Why, that their bullion would be drawn out, instead of being brought in, and they would then, according to this Bill, have to reduce their issue of notes, so that the two must balance each other, and there could not, therefore, be any depreciation of paper money as compared with gold under this system. But it was thought necessary to give a further power of issue to the Bank to a limited extent, and the circumstances under which it was proposed to grant that limited power he would next proceed to explain. It was proposed to limit the issue of country banks, but there was nothing to prevent a country bank—supposing that it had at present the power of issuing notes of its own—from giving up that privilege and taking upon itself the use of notes of the Bank of England in place of its own notes. It was obvious that in such an event, or in case of the failure of a country bank, the circulation would *pro tanto* be diminished by the amount of the notes that the country bank had been in the habit of issuing, and a power was proposed to be given to the Bank of England to meet the deficiency that would thus arise by issuing an additional number of notes on securities equivalent to two-thirds of the paper, which according to the hypothesis that he had stated would have been put out of circulation, either by a country bank choosing to give up its issue or by any bank failing or ceasing its circulation. Thus, if a bank of issue or a number of banks of issue, whose circulation amounted to 300,000*l.*, should withdraw their issue either by failing or by a junction with the Bank of England, it was in that case intended that the Bank of England should, with the consent of the Queen in Council, be authorized to issue on securities two-thirds of the notes thus withdrawn, and the remaining third could, of course, be supplied on the deposit of bullion if the Bank were called on for the purpose. He next came to the proposition on which the Bank was to be allowed to issue notes on silver. That proposition was this — gold being retained as the standard, which it was quite necessary should be the case, the Bank were to be at liberty, when they had silver bullion in their coffers, to issue notes on the security of that silver to the amount of one-fourth of the whole issue that they were to be at liberty to make on bullion. For instance, if they had 8,000,000*l.* of bullion, partly in silver and partly in gold, they might issue 2,000,000*l.* of notes out of it on the security of their silver bullion, and the remainder on the security of their gold bullion. He did not know whether it was necessary to trouble their Lordships on the subject of the increased security which the proposed alterations would give to the public. Nor was it to be lost sight of altogether that they would gain an annual sum of 60,000*l.*, which was to be allowed to them by the Bank of England in return for the increased privileges which they would give them. Though the Bank would derive advantages, still he thought the bargain that had been entered into with them one that was extremely favourable to the public. He considered that the Bank of England had, on the whole, acted with the greatest fairness, for, though it was true they would by the new measure obtain advantages and privileges, still he had enough to do during his public life with large bodies to know that where their interests were concerned, it was not at all times that liberality was to be found among them, or appeared to be the guiding principle of their actions. Then with respect to the country banks, it was proposed to fix a limitation to the issue of those banks whether they came under the head of joint-stock banks or banks whose proprietors did not exceed six, and it was also intended not to admit any new bank of that description to the privilege of issuing paper. It would, no doubt, according to strict theory, seem to follow from the principle which he had been endeavouring to explain to their Lordships, that no issue should be allowed to country banks. But it would be a great impolicy and injustice to the banks already existing to follow up that principle too rigidly; for there was no doubt that those country banks had contributed very much to promote the industry and prosperity of the country. Whatever might be the disastrous effects of certain imprudences, to use the mildest term, that some of them might have fallen into in some parts of the country, it was but justice to the country bankers generally to state that they had contributed much to the prosperity of the country, and he thought it would be, therefore, unwise, and unjust to deprive them of the privilege which they now had of issuing notes. But still it would have been inconsistent with the principle of the present measure and would have defeated its object, if that privilege was to be in no way circumscribed. The only mode in which it could be circumscribed was to limit the amount that they were hereafter to issue, that limitation to be fixed by certain averages taken from antecedent issues. The first proposition of the Government was to have taken the average of the last two years; but great objections were made to that course, which objections would also exist against any longer period. Under all the circumstances of the case, it was therefore decided to take the average of the last three years, immediately prior to the introduction of the measure before Parliament, and he believed this limitation would be found just and reasonable, and to answer all the purposes intended. The paper that it was likely would be in circulation under the new system, would be about 8,500,000*l.*, and the average of three years would leave it at 8,785,000*l.*, which would be divided among about seventy country banks. It was also proposed that the average of the returns from the Bank should be taken once every month. He believed that he had thus, without troubling their Lordships with any long dissertation on the question, stated the general principles and provisions of the Bill. The Government had been anxious to introduce as few novelties as possible into it. Various suggestions might be made such as shutting out silver, or not adopting gold as the standard; but he did not think it would be at all expedient to introduce novelties without any absolute necessity existing for them. The more he reflected on the matter the more convinced was he that all that was wanted by legislative enactment was to give full and beneficial effect to the Act of 1819. It was to establish the security which that Act was intended to bring about, and which, he trusted, would yet be fully established, that the present measure was introduced by Her Majesty's Government, and he hoped their Lordships would therefore allow it go into Committee.

The question having been put,

Lord *Monteagle:* I trust that my noble Friend, who has moved the commitment of this most important Bill, will not imagine that, in rising to follow him in debate, it is my intention to oppose the measure. So far is this from being the case, that I feel great satisfaction in admitting that the Bill is founded on principles which, at an early period of the present Session, I ventured to recommend to your Lordships' most serious attention. So long back as the 6th February last, [*Hansard's Debates*, vol. lxxii. p. 270], I pointed out the distinction between the trade of banking, and the privilege of issuing paper money, as well as the mischievous consequences which would not fail to arise from the unlimited competition of numerous banks of issue. In making those observations I do not, however, claim any credit to myself, as I did little more than repeat and recommend principles and opinions originating with some of the wisest and most experienced persons who had ever turned their attention to the great question of currency. I thus begin by a sincere and hearty admission of the obligations due to Her Majesty's Government for having introduced the present Bill. They deserve infinite credit for the manner in which they have dealt with the question. It required no small courage to grapple with the whole subject of our currency, including the privileges of the Bank of England, proceedings of the Joint Stock Banks, and of the private banking establishments. But that which is at the least quite as admirable, is the skill and adroitness with which the Government have treated and have conciliated those various and somewhat conflicting interests. By offering concessions to one class, and making satisfactory arrangements with another, any very inconvenient disturbance of the present system has been prevented, whilst at the same time the Government have avoided any material deviation from the general principles on which their measure is based. It was owing to this most useful and prudent conduct, that a measure of unexampled magnitude and importance had been permitted to pass through Parliament with less of opposition than had ever before been known in the history of this branch of our legislation; a circumstance not only highly creditable to the Government, but likely to be conducive to the beneficial working of the system. I therefore cannot approach the subject without offering my thanks to the Government for the measure taken as a whole. At the same time I think that justice requires that some grateful acknowledgment should be made to those eminent men from whom the measure first emanated, or who at least have established those principles on which the Government have founded their Bill. I am unwilling to detain the House by a reference to their printed works, but I may at least refer to the valuable evidence given by them before Committees of the other House of Parliament. The House will already have perceived that I allude mainly to Mr. Jones Loyd and Mr. George Norman, whose sound practical knowledge, resting on scientific doctrines, tested by experience, and communicated to Parliament and to the world, prepared the way for the introduction and for the success of the Bill of Her Majesty's Government. I am convinced that the noble Earl who has preceded me, will admit candidly that unless the public mind had been so prepared, the Government would not have succeeded in passing this important Bill with so little opposition, indeed, I may add, with so little even of adverse discussion. After this full and unqualified approval of the general principles of the Bill, given in all frankness and sincerity, I trust I may be allowed, without any appearance of discourtesy to comment on certain parts of the measure, in which I do not so entirely concur; but which, on the contrary, I view with some degree of doubt and apprehension. But before I do so, I must be permitted to deal with some general principles on which my noble Friend has not thought it expedient to dwell. This Bill has been justly called a complement to the Act of 1819. This description was a just one, but it leads us back necessarily to the consideration of that Bill, which bears the name of the present first Minister. If the present measure can justly be called the complement of the Act of 1819, it deserves our support, or should meet our opposition in proportion to our approval or disapproval of that Act. On this ground there are persons to be found, though I hope the class is not a very numerous one, who consider that we are now passing a measure likely to be productive of evil to the country, because it is a complement to Peel's Bill. It would be unnecessary as well as presumptuous on my part, it would be tedious to your Lordships, if I were now to go into any lengthened discussion or minute analysis of the Bill of 1819. But, surely at this time there cannot, or at least there ought not, be found many sane individuals, who can hesitate in declaring, that after an experience of the events which passed between 1797 and 1819, and a review of the vicissitudes and changes in the value of money which continued to the restoration of cash payments, it was the absolute duty of the Legislature to revert to a fixed standard. If the restoration of a metallic standard had not taken place at that time, it would have involved a sacrifice of duty and of all the permanent interests of the community. But it is said, "Ay, we admit that it was right to revert to a fixed standard, but we deny that it was right to revert to the standard of gold at 3*l.* 17*s.* 10½*d.* In so doing you have committed a grievous wrong, more especially in compelling the people of England to pay in gold debts contracted in depreciated paper." Persons who were pleased to argue in this plausible but most fallacious manner, were willing to forget that although our public debt had been contracted in depreciated paper, they were contracted on the solemn contract and engagement that those debts should be paid in the coin of the realm, or in convertible paper, when on the conclusion of the war the time of cash payments and of renewed public credit should again arrive. This obligation, which existed by law, settled the question of what was the standard, which in honesty and fair dealing we were bound to adopt. At the same time there is no doubt but that the effect of this alteration was greatly under-estimated, even by some of the most eminent men who took part in the discussion, and that the differences which existed at the time between the mint and market price of gold were not the most accurate criterion of the change produced. My noble Friend (Lord Ripon) must recollect that discussion well, but if it had been as fully admitted as it was stoutly denied, and controverted even by so great an authority as my late and excellent friend, Mr. Ricardo, that the restoration of cash payments must greatly enhance the burthen of all fixed charges, it was not on that account the less our duty to submit to this change. Before I quit this part of the subject, I must be permitted to deal with the argument of the class of persons who object to the restoration of the current standard, on the ground that it had produced a severe pressure on the interests of the labouring and productive classes, and who suggested that those classes had largely benefitted, and would again benefit, by issues of inconvertible paper. I contend, on the contrary, that no class suffers so much from a continual and augmenting depreciation as those who are dependent on wages for their support. With increased issues came increased prices; increased wages might ultimately follow, "*sed longo intervallo*;" wages if they rose at all would be the last to rise; and if the population was augmenting in a greater degree than the demand for labour, even the ultimate and tardy increase of wages would be altogether prevented. But, in the meanwhile, the labourer would find his real wages diminished; he would find that he daily had a command over a lesser quantity of the comforts and necessaries of life. His rent would rise, his taxes and his bread. It would follow, therefore, that whilst a depreciating currency produced evils to every class, except debtors, the evil resulting to the labouring class would be greater than that affecting all others. Every attempt, therefore, to produce dissatisfaction against the present Bill, by connecting it with the Act of 1819, and falsely attributing to the latter consequences injurious to the labouring classes, was founded upon a gross misrepresentation, or at least a misconception of all the principles which regulated either currency or wages. In looking back at former proceedings in Parliament, it was most gratifying to perceive the progress of knowledge on these subjects. But at the same time our experience should prevent us from dogmatizing respecting the probable consequences of any experimental measure. We are enabled to escape from the errors committed by our predecessors; but we cannot be confident but that we may commit errors of our own. I need scarcely go back to the time when the House of Commons voted that a one-pound note and a shilling were equal to a guinea, in opposition to the undeniable fact, that guineas were then selling for twenty-six or twenty-seven shillings. But even the assertions most confidently made in subsequent times had subsequently been refuted, and past experience proved that the remedies considered as specific could no longer be exclusively relied on. In 1819 as in 1810, the doctrine was, that the convertibility of paper money into gold was in itself a full and adequate corrective. This doctrine was now modified, and it was shown that though convertibility afforded an ultimate check it neither acted with the promptitude that was required, nor in the steady and gradual manner which the interests of credit and of commerce demanded. This was conceded in the discussions of 1832. At that period a new rule was adopted by the Bank of England, and was countenanced by the highest authority. I allude to what is commonly called Mr. Horsly Palmer's rule, It was contended that all future difficulties would be prevented, by maintaining a fixed amount of securities. From 1832, however, it would appear that this rule was not adhered to, and it was not even contended, that if adhered to it would have been effective. To justify the deviations most minute and somewhat metaphysical, distinctions were arbitrarily drawn, and deposits, securities, and circulation were defined and defined over again, even classed as active and passive, as public and private, until the account of assets and liabilities were rendered almost unintelligible as well as useless. It could not be said that during these years the management of affairs by the Bank of England had been very uniformly such as to advance the interests of the public or of the commercial classes. We are now called on to adopt a new system, on which we are encouraged confidently to rely. I am prepared to adopt it; I think the evidence in its favour strongly preponderates; but I think we are bound nevertheless to consider it in the light of an experiment rather than of a demonstration. If it does not altogether avert these calamities which we have had to deplore, I shall think this result no sufficient proof of failure. This country, from its peculiar circumstances, from its wide spread commerce, its enormous power of manufacturing production, from its dependency on foreign markets, must be exposed to casualties and vicissitudes under any possible system of banking and of currency. These must still exist with the present Bill. I therefore think my noble Friend (Lord Ripon) is over sanguine, in representing his Bill as laying the foundation of a system perfectly secure and satisfactory. If there were no paper currency at all, the fluctuations of trade, the alternations of high prices and low prices, to say nothing of the yet more fearful contrasts of peace and war, must always render our monetary affairs in some degree uncertain. So far as a fixed metallic standard goes, so far as it is connected with a well regulated and convertible paper currency, few countries could stand in a better position than France. The Bank of France preserves unshaken credit, and the command of bullion to an extent almost unprecedented, compared with the liabilities of that establishment its resources are prodigious. This has been proved in times of difficulty, when we have seen the Bank of France not only supporting its own credit, but assisting England likewise, which for a moment was seen to rest upon the aid of foreigners. Yet notwithstanding all this, France had not escaped her trials and her difficulties. Believing, therefore, that after the passing of the Act now under discussion, we may come to our time of difficulty and of domestic calamity, I do not on this account feel less prepared to give my support to the Government Bill. On this ground I must protest against the doctrine and the hypothesis that we should deduce from a recurrence of commercial distress the failure of the present experiment. This argument may require some further elucidation. Can it be denied that an increase of the quantity of money in circulation, whether it be gold or paper, has a tendency to enhance prices? or that prices will sink as the amount of money is decreased? If this elementary principle is controverted, I know not how we can reason on circulation at all. If the gold or silver specie of any particular states be doubled in amount, a greater quantity of money will be given for the same quantity of produce—in other words, prices must increase, and export will become less profitable; specie or bullion will be exported, and this must continue until the value of the specie or bullion will be raised and equalized with that of other countries. The exchanges will be affected till the distribution of the precious metals is generally equalized. Two theories are now maintained, and each on very high authority. The first, that nothing could be considered as currency but specie and promissory notes payable on demand. The second, that not only were specie and convertible bank notes so to be considered, but likewise bankers' cheques, deposits, bills of exchange, and every other species of circulating credit. The amount of the latter descriptions of credit was so enormous in a country like this, that the bank notes and specie appeared to be in comparison but an evanescent quantity, so insignificant as to require no legislative regulation whatever. Each of these theories appears to me far too exclusive. No one can deny but that notes and specie are currency, but I contend that all other description of securities by which payments can be effected are currency likewise, acting on prices, and working on the exchanges, though each according to its nature and quality in a different degree. I cannot but admit that, if by law we limit notes and specie, we create a void which other securities will have a tendency to supply; but, because we cannot interfere directly with other forms of credit, it does not follow that we are not to apply regulations where we can, as in the case of specie and bank notes. The late William Cobbett, whose illustrations were often of the happiest kind, and whose style was more pure, and more truly English than his principles, was accustomed to say that the one pound notes were the legs on which ten pound notes walked, and in like manner I am inclined to think that an excess of bank notes and of specie have a tendency to influence all other species of commercial credit, and that a diminution of this primary branch of currency will ultimately place a limit on the rest. Yet it does not follow that this action will either be strictly proportionate or immediate. In the present Bill it was assumed that currency consisted of bank notes and specie only. I doubt the propriety or correctness of this definition. I believe that there is much besides convertible promissory notes and metallic coins which act on prices and on the foreign exchanges. I believe that bills of exchange, bankers' cheques, and every ingenious contrivance which the progress of commercial society adopts for encouraging currency, produce similar effects though not in the same degree. They are similar though not identical. An Italian economist of eminence had compared currency to the doctrine of *momentum* in mechanics; we are bound to consider not only its quantity or weight, but its velocity likewise. A smaller amount of money circulating rapidly, may produce a greater effect than a more considerable amount circulating slowly. These distinctions have been overlooked by the Government, and no inconsiderable errors appear to me to be the consequence. But without going into these broader distinctions, I am at a loss to conceive what difference my noble Friend (Lord Ripon) can find between a promissory note for 10*l.* payable on demand, and a bank post bill for 10*l.* accepted, made payable to Coutts and Co., and bearing the endorsement of that great banking house. On what principle can it be stated that the latter of these securities differs from the former? I feel much anxiety on this subject, for if these two classes of securities are as I contend, identical, and yet that the issue of bank post bills are left wholly unrestricted, the very principle of the Bill might be rendered nugatory. The proposed limitation of issue would thus be of no effect. In many parts of the country a great proportion of payments were made through the medium of the instruments I have described. In Ireland the post bills of the bank of Ireland had at times contributed, I believe, one-third of the circulation of that establishment. What happened in Ireland might surely occur elsewhere, and if it did, what became of the restrictions of the present Bill. To me the great merit of the present measure is to be found in its approximation to the establishment of one single issuing bank. So long as a multitude of issuing banks exist, in various and distant parts of the country acting simultaneously, the first efforts at restriction by the Bank of England whether by raising the rate of discount or by restricting issues, gave necessarily to money a higher value. This acts upon competing banks for a time at least, as an inducement to extend their issues, and their banking profits will extend in proportion. This action, counteracting and neutralizing the precautionary measures will continue till the country banks find a difficulty in negotiating or re-discounting their bills, and feel the check which acts the more violently in proportion as it has been long delayed. I am far from suggesting that the Bank of England has not been to blame in this respect also; indeed it has at times been to the full as culpable as the country banks. At times its discounts have increased just at the same time and almost in the same ratio that its bullion has diminished. On the 1st January, 1839, the amount of bullion in the Bank was 8,300,000*l.*; on the same day, in 1840, it had fallen to 4,200,000*l.* On the 1st January, 1839, the amount of discounts was 3,100,000*l.*; at the corresponding date in 1840, when the bullion had decreased one-half, the discounts had increased from 3,100,000*l.* to 6,200,000*l.* Mr. Horsly Palmer admitted in his evidence, that it was precisely when the amount of bullion was reduced that the money market made the greatest demands upon the Bank. Now in future these operations must not only be checked, but a contrary action will be enforced. The object and tendency of the whole Bill is to establish in the country, and ultimately for the whole country, one single issuing Bank. But how is it proposed that this should be effected? Not simply and directly by confiding this mighty prerogative to one great body undisturbed by conflicting functions; but by separating the Bank of England into two departments, the distinct and independent agency of each of which must be assumed; the department of issue, and the banking department. I cannot say that this appears to me very satisfactory. It was no more than a declaration that one specified duty should be performed to the right of the Woolsack, and another to the left. I fear that contingencies may arise in which the separation of a wooden partition may be found but delusive. In these observations I am far from suggesting that any power of regulating the circulation should be assumed by the Government, or entrusted to them. On the contrary. In times of pressure a Government, and especially a Parliamentary Government, and therefore open to Parliamentary influence, could not undertake such duties safely or with any advantage to the public. Whilst filling the office of Chancellor of the Exchequer under circumstances of commercial difficulty, I have frequently felt the danger I have alluded to, and from which I was only enabled to protect myself by stating frankly and decidedly to applicants for assistance or relief, that the Bank of England was wholly independent of the Government, and that the Treasury had no right to interfere in their operations. Your Lordships will, I am convinced, agree with me, that if the Government possessed any power of direction or control over the issues of the Bank, it would be vain to expect that the strict regulations of prudence should be adhered to. A plausible case would be made to justify every popular exception. I am aware that some safeguards against abuse are to be found in the present Bill. The more extended and more immediate publicity prescribed in respect to the Bank Returns, will in this respect act beneficially, and the extension of the country business of the Bank of England will do so likewise. The returns required from local bankers will also act as a corrective, not that we have any reason to place unlimited confidence in the effect of the publication of issues taken separately, because such publications on the part of the Bank have taken place even during the widest departure from the rules laid down for its management. The Bill was founded on the admission of the expediency of separating altogether the functions of issue from those of banking, but why was not the separation more complete? The public cannot be too strongly impressed with the important truth that the free trade of banking should not be combined with an equally unrestricted power of issuing money. I have not heard on what principle it was assumed that the sum of 15,000,000*l.* neither more nor less was the exact amount which it was expedient to fix for the issues on securities. It seemed an amount arbitrarily fixed. If to be hereafter varied, I should like to know on what data or by what authority such variations should be made? Are we prepared to adhere permanently to that principle? I apprehend we cannot. If a fixed amount had been determined upon in 1793, would that have been applicable to the present times. Can we then confidently legislate in this respect for the future. But on this account, I cannot but fear some difficulty and danger from the attempt permanently to fix a limit for this class of issues which it will be unlawful to exceed. I cannot contemplate the propriety of giving to the Government any authority in this respect. I adopt the views of the noble Earl in respect to the expediency—indeed, I should say, the absolute necessity of making the Bank independent of the Government. But whilst opposed to sanctioning any interference on the part of Ministers, it was questionable whether it was prudent wholly to limit the discretion and diminish the power of the Bank itself. No Minister should have the authority of increasing or lessening arbitrarily, and therefore altering the value of that which formed the measure of the poor man's wages and the rich man's property. But it appears to me, that a still more dangerous consequence may flow from the inflexible rule which renders the issues of paper above the 14,000,000*l.* invariably dependent on the receipts or payments of bullion. The Bill appears to me to be admirably well adapted to meet the case of a demand for bullion produced by an adverse foreign exchange. This is however the only case contemplated or provided for. Unhappily, it is not the only case which may occur. The framers of the Bill have not thought it necessary to provide for the possibility of the diminution of the bullion in the Bank as arising from an internal drain for gold. The remedy applicable to remedy an adverse foreign exchange, is not only inappropriate to the case of internal drain: but it will greatly aggravate the evil. Where the drain proceeds from the foreign exchanges, it proves that the circulation is in excess; the remedy is therefore a diminution of its amount. An internal drain may arise from commercial discredit, from a panic, from political movement; these perils and calamities may or rather must be aggravated by a forced diminution of circulating paper, necessarily proportional to the amount of bullion or specie withdrawn. I must call your Lordships' attention on this momentous view of the question to the following extract from Mr. Huskisson's Pamphlet on Depreciation, which expresses in language more clear and precise, and with an authority much higher than mine, the argument I have endeavoured to urge. Describing the case of an internal drain, Mr. Huskisson observes:—

> "Cash is withdrawn, not because the circulation is excessive, but by the country banks and town bankers, for the purpose of meeting possible demands upon them, and by the community at large, either directly from the Bank or indirectly through the former channels for the purposes of hoarding, from the dread of some imaginary or contingent danger. In such a crisis every reduction in the amount of bank paper is so far from checking the drain, that it aggravates the general distress; because the gold which is taken out of the Bank instead of being subsituted for the notes withdrawn from it, is for the most part locked up, and thus in proportion to the stagnant and straightened circulation, wants life and aid, it becomes every day more embarrassed, whilst each new calamity produced by such a state of things, contributes to spread and increase the general apprehension. It is therefore manifest, that by a possible combination of things the Bank might be driven to part with its last guinea, not only without having checked the drain, but with the certainty of increasing it in proportion as their notes were diminished."

I pray your Lordships to weigh well these words, and to consider what would be the operation of the present Bill in the case supposed. Under the new law, notes would be withdrawn and their re-issue prohibited; must not this increase the discredit and the alarm, and end by draining the Bank of its last guinea? Such were the apprehensions of Mr. Huskisson, and who can doubt that the present Bill will act most dangerously on the state of things which he describes. Before proceeding to another topic, I must be permitted to call your Lordships' attention to the greatly increased danger which may arise in an internal drain of gold in consequence of the immense extension of the Savings Banks in this country. No one could contemplate the liability which the public incurred under this head without perceiving to what extent it might act in case of an internal drain for gold, and a restricted power of issue imposed by law on the Bank of England. Of the effect of this, Mr. Huskisson was fully aware. Besides, might not other causes be greatly aggravated if we were visited with one or two successive bad harvests. It must be obvious to all men, how intimately bound up was the question of currency with our Corn Laws, and bearing that circumstance in mind, I ask, where is the man who can feel confident of the working of this Bill when it becomes a law, if a sudden demand for gold should arise, during a period of restricted circulation? After the best reflection I can bestow on the subject, I feel persuaded that the Bill before your Lordships and the present Corn Laws, cannot permanently co-exist. The question thus becomes doubly serious. I rejoice to see the provision introduced by which issues to a certain extent are allowed to be made on silver as well as on gold. It is the recognition of a most important principle, and I do not dislike it the more, if it should lead to the consideration of the policy of reverting to the ancient policy of England, departed from on grounds not very intelligible or defensible, and in again using both metals as a due satisfaction of debts and engagements. This question had frequently been mooted but of late it had been confounded altogether with the theory of those who contended for the adoption of our present coined silver as a standard of value. This was the principle of the "little shilling" gentry: and amounted to a payment of debts in a currency of counters, or of shillings coined sixty-six to the pound weight. My suggestion is of a very different kind; the payment of debt in silver of a given fineness taken by weight was the old law of England, and ought not to be confounded with the dishonest attempt to pay our debts in a less valuable currency than that in which we had contracted them. In support of these views, I must be permitted to remind the House of the evidence given in 1828 by my noble Friend Lord Ashburton, when examined before the Privy Council, at the desire, I believe, of Mr. Huskisson. In that important evidence my noble Friend stated, that "If we went to war, two years would not elapse without such a crisis as that which had occurred in 1797," and when your Lordships take into account the great knowledge and experience of my noble Friend, you must feel that his is no common authority. In addressing these arguments to your Lordships, I beg it to be understood that I do so in no spirit unfriendly to the measure before us; but I feel it a duty to impress upon the House the grave and serious nature of the question with which we are dealing. I do not propose any amendments, but I wish to bespeak for the measure the most attentive and dispassionate consideration. I am the more strongly impelled to do so from a conviction that the proposed separation between the two functions of the Bank of England, whilst both are under the management of the same authority must prove fallacious and delusive. On the subject of the relative value of gold and silver, as facilitating payments in one metal rather than another, parties were not quite agreed; Some contended that the quantity of gold was largely and progressively increasing, more especially in Russia. A contrary octrine had been urged by some in respect to silver: all these were undoubtedly important considerations for deliberate enquiry. Of course the Government on the part of the public were bound to make the best bargain in their power with the Bank, if their negotiations with so important a corporate body could justly be termed bargain-making. I regret that in this Bill there should be contained any provision which gave the Government any possible participation in the profits of the Bank, and seemed to establish a species of joint-stock partnership between them. Such an arrangement is objectionable in principle, and in the present instance it is wholly unnecessary; the Bill provides that, if under certain specified contingencies, the Bank shall extend its issues on securities beyond the fixed sum of 14,000,000*l.*, the net profit of such circulation shall accrue to the Government. This Clause was only justifiable on the supposition that a certain degree of apprehension was felt lest, the Bank for the sake of profit should enlarge its issues, when for the public interest it was bound not to do so. It is on this score that it is proposed to confer on the Government a power of restraining the Bank; but that power of restraint being given, one thing was clear, that if the restraint were properly exercised, any limitations on the Bank profits were unnecessary. The one check or the other might be required, but both could not be demanded. Under any possible circumstance I think it indefensible that the Government should go shares with the Bank in any portion of its profits. I have endeavoured to discuss this question free from all party bias; indeed there are some with whom I politically agree, who may not concur with me this night, whilst I give my humble support to a Government with whom I generally differ. The strongest objections against the Bill are raised, not by us of the Opposition, but by some of the more extreme members of the Tory party: for instance, I have this morning received a printed paper, issued by an Association calling itself the Society for the Emancipation of British Industry, which declares violent war against the Bill. This paper is authenticated by the signature of a respectable Tory gentleman, the Queen's printer, (Mr. Spottiswood) who is now engaged in more harmless, though not more rational pursuits, than when engaged in the more ambitious pursuits of contesting Irish seats, and ousting Irish liberal Members. The arguments advanced by this new school of economical science, though novel, are so preposterous that I should only waste your Lordships' time and that of the public by alluding to them at any length. For the purpose of ensuring a fixed standard, it is presumed that Society recommended that all paper money should be convertible into gold or silver, valued according to the market price of the day. The effect of this, which would inevitably lead to progressive depreciation, was fancifully termed "the just action of a symbolical currency." This was not a very clear or definite expression; when the labouring man felt a fall in his real wages —when his earnings gave him day by day a lessened command over the comforts and necessaries of life, it would not be more satisfactory to him than it would be intelligible, to be assured that all this was nothing more than the "just action of a symbolical currency." I have now but to thank your Lordships for the patient condescension with which you have listened to my argument. I should not have done so at such length, but that I hold it the duty of one, who like myself has filled high office under the Crown, and who still continues in the public service, to tender to that public the results of the experience he may have gained, though conscious that in doing so he may only display his own incompetence.

Lord *Ashburton* said, that the same sense of duty, arising out of a long course of public life passed in the other House of Parliament, during which he had mingled in discussions connected with the laws relating to Circulation, Currency, and Banking, imposed on him the same necessity as that which had prompted the noble Lord who had just sat down, of troubling their Lordships with some observations on this subject, but he should do so at less length in consequence of the very able speech of his noble Friend who had entered on the question so much more ably than he could pretend to do, that it would be quite unjustifiable in him to enter on any repetition of what he might call the general principles of this question. Now, first, it occurred to him that this measure was not brought before Parliament and the country as a simple question of the renewal of the Bank Charter, but it was evidently intended to be considered as laying down general principles of Banking on this occasion distinguished from those on which the country had hitherto acted. The noble Earl (the Earl of Ripon) had expatiated on the great advance we had made at the present day in the knowledge and science of currency as compared with past times, and as compared with the days in which his old friend Mr. Jeremiah Harman directed the affairs of the Bank of England; yet he (Lord Ashburton) must remind his noble Friend that at the close of his speech he completely upset the claim he thus made to superior enlightenment in the present times by his admission of great doubts, whether that limitation of the circulation of bank-notes corresponding to the amount of bullion which the Bill enacted could be accomplished in all circumstances. His noble Friend said, that it was an experiment that might prove fallacious. When, therefore, his noble Friend admitted these doubts, he surely upset a little his eulogium of the improved intelligence of the world as to banking affairs. His noble Friend who had just sat down had stated, that no man who was able to form an opinion on these questions—and he (Lord Ashburton) also held that no honest man, could entertain any notion that any benefit could accrue to the country either from cheating the public creditor or by means of measures passed in Parliament, letting debtors generally cheat their private creditors, but that the principles of honesty and morality were those with which the best interests of the country were bound up, and without which no expedient could ever be made valuable; but, setting aside for the moment those considerations, it was quite clear to his mind as was stated by his noble Friend opposite (Lord Monteagle) that no benefit to the country could be expected from any debasement of the standard of value, but on the contrary, much mischief would undoubtedly arise from any uncertainty or variation in such a matter. He should like to be able, if it were within his competence, to induce their Lordships, and, he might say, the country, to consider maturely this question of the standard of value. In talking of the folly of past times on such subjects, his noble Friend naturally called to their Lordships' recollection the year 1810, when Parliament stultified itself by a vote that two things were of equal value, which at the very door of the House of Commons they might have found not to be so; but if those persons who carried that vote—he (Lord Ashburton) was not one of them, for he voted against the proposition—were out in their calculations, he held that his late Friend Mr. Horner, and those who took his view, were not less so, if they supposed it possible that in the midst of a great and frightful war the country could have returned to specie payments; for their proposition, he believed, was not to wait till the end of the war, but to oblige the Bank to return immediately to cash payments. Now, any person who had become acquainted with the difficulties that arose after the termination of the war in returning to a metallic standard might easily conceive what the difficulties would have been, taking such a step when the war was going on. In truth, this very science of circulation, and banking and debt, which seemed to some persons so simple and which every man took upon himself to dogmatize upon, as if his opinion must be true, and all the rest of the world were fools and idiots, turned out in reality to be surrounded with difficulties. It was a subject on which though practical men sometimes fell into error, those who took their opinions entirely from theories and abstract reasoning were much oftener and more grievously wrong. With respect to the measure now under discussion, he did not look forward to its operations with the same confidence that many persons out of doors seemed to do. He had the greatest respect for Mr. Loyd, to whom his noble Friend (the Earl of Ripon) seemed to cling so much; with Mr. Loyd's acquaintance with the practical working of the banking system, and his abilities, it was impossible that his opinion could be despised; but he had also a very high respect for his old friend Jeremiah Harman, and he had his doubts whether all this new wisdom could be implicitly relied on. His noble Friend who spoke last said, that at the end of the last war many persons doubted whether the honest way was to return to the ancient standard, or whether some allowance ought not to be made for the difference in the value of money from what it was when the debts then due were contracted. He (Lord Ashburton) had felt that doubt himself; many persons he was acquainted with had the same doubts, but they were very unwilling to open the door to let what his noble Friend called the little shilling people come in and perpetrate some monstrous enormity or other. He had always thought it a very difficult question, and if the war had not ended when it did, by means of the victories by which the noble Duke had secured the liberties of Europe and restored peace to the world—if it had continued two years longer, in the then state of our debt, he thought the depreciation would have become such that it would not have been honest, equitable, or possible, to return to a metallic standard. Now, what was the ancient standard? To find this he went back to the period before the standard was tampered with by the suspension of cash payments in 1797, from which period till the restoration of a metallic currency by Mr. Peel's Bill, the whole was a mass of perfect confusion. What was the standard in 1797? If he had owed his noble Friend 100*l.* at that time, he should have had a right to pay him either in gold or silver, at the rate for the one of 3*l.* 17*s.* 7½*d.* an ounce, for the other of 62*s.* the pound weight. That was the ancient standard; in fact, it had been the standard from a time "whereof the memory of man runneth not to the contrary;" but, setting aside all older times, he said that the law at the period of 1797 was, that any man might take either silver or gold to the Mint to be coined, and might pay his creditor either in the one or the other, as he liked. [The Duke of *Wellington*: Only to a certain amount in silver.] That was usually supposed to be the case; but he was just coming to that point when the noble Duke spoke, and was about to show that it was not so. His noble Friend (the Earl of Ripon) had stated to the House that in this measure he was only going back to the ancient standard; that would be a very strong case to make out, if it could be made out; but was it so? His noble Friend said that by the Act of 1774 no contract could be legally discharged in silver for any sum beyond 25*l.* He (Lord Ashburton) was not surprised that in the multiplicity of business which his noble Friend had to dispose of, he should not have had time to refer to the Act of Parliament; he (Lord Ashburton) having little to do, had looked into the Act, and found that the effect of it had been entirely misstated. The enactment of 1774 was,

> "And be it further enacted, that no tender in the payment of money made in the silver coin of this realm of any sum exceeding the sum of 25*l.* at any one time shall be reputed in law or allowed to be a legal tender within Great Britain or Ireland for more than according to its value by weight, after the rate of 5*s.* 2*d.* for each ounce of standard silver."

That was the standard rate of silver. At that period, therefore, when it seemed to have been thought that the right of paying in specie stopped, it did not stop in reality; the effect of the Act was only to apply to the silver coinage what was already the law with respect to the gold coinage, and payments could be made in silver to any amount provided it were of the requisite weight and fineness, exactly the same as was the case in gold coin, which was not a legal tender unless it were of full weight; of which they had had a recent example in the difficulties caused by the proclamation against light sovereigns. That Act of 1774 was renewed in 1776; and again, if he was not mistaken, in 1783. That year, he thought, was the last in which it was renewed, the matter was forgotten and lost sight of, and nothing was done on the subject until 1798; so that up to one year after the suspension of cash payments both gold and silver were legal tenders, and a debtor had the power of acquitting himself to his creditors in that metal which he could obtain the cheapest. In 1798 came the real prohibition of payments in silver. Whether gold or silver had then increased in relative value to one another was a question which his noble Friend had stated was not yet settled. If the noble Lord would attend to the wording of the Act of 1798, he would see an answer to that question which his noble Friend did not think quite solved. In 1798 the Earl of Liverpool recommended that the Mint should be stopped from issuing silver coin. The Act stated,

> "That whereas His Majesty had appointed a Committee of his Privy Council to take into their consideration the state of the coins of the kingdom, and the present establishment and constitution of His Majesty's Mint; and as inconvenience may arise from the coinage of silver until such regulations shall be framed as shall appear necessary; and whereas from the present low price of silver bullion owing to temporary circumstances (this, by the by, was a mere conjecture of his own) a small quantity of silver bullion had been brought to the Mint, and as there is reason to suppose that a still further quantity will be brought,"

the Act then went on to say that the Mint shall no longer coin silver, and cited what was, in fact, the history of the whole case—namely, "whereas the two metals were a legal tender." Here, then, they had an Act of Parliament to stop the coinage of silver coin, because Lord Liverpool had reported to His Majesty that silver was an unfit standard of value. Why it was unfit he (Lord Ashburton) could never discover; the reason given by Lord Liverpool he was sure was unsatisfactory—that a rich country ought to have a rich standard of value. It might as well be said that a man of six feet high ought to be measured by a longer measure than other people. On the other hand we had the opinion of Mr. Locke, for we had philosophers in those times who looked into these matters, Sir Isaac Newton among others, who spoke with less confidence, Newton in particular, than the authorities of the present day did; and Mr. Locke's remark was, "Gold is not the money of the world, as the measure of commerce, nor is it fit to be so." Now, he (Lord Ashburton) could not go so far as to say that gold was not fit to be the standard of value, but he could say that it was unfit to be the exclusive standard of value for one country, if all other countries adopted a different standard. If, then, they came to what had been called the restoration of the old standard, that standard was to be taken from before 1798—they could not take it from any other later period—it must be taken from a period antecedent to any tampering with the currency—that was to say, the suspension of cash payments, and Lord Liverpool's Act, which was after the suspension, and up to that time the debtor had a right to acquit himself to his creditor in one metal or the other, as he pleased. He was not disposed to depreciate the argument as to the possible equity of making some allowance for the altered condition of the currency; at all events, nobody would have thought of screwing up the standard, and thus make the debtor pay more than he had contracted to pay. But then he asserted that the debtor was entitled to acquit himself, according to the ancient standard, in either one metal or the other. Had they left him alone and passed no Act of Parliament, or merely said by one Act that the country should go back to the standard which then existed, the consequence would have been, that if he had owed his noble Friend 100*l.*, and the debt had continued up to the present time, he would carry his money to the Mint, and might acquit his 100*l.* debt with 95*l.* 6*s.* 8*d.* according to present prices. If there were any case made out for standards of limitation on this subject of currency, they might as well go back to the Statute of Elizabeth as go back to the period of thirty years ago. On the subject of silver, he should state that there happened many crisis-times of great panic and difficulty, as in the years 1825 and 1826, which was commonly called the bubble year, which ended by almost a general failure. He had undoubtedly held communications with Lord Liverpool and Mr. Huskisson, two great authorities on this subject, and with the latter's opinions he very much concurred. Mr. Huskisson was apprehensive that the country was involved in a very great difficulty from the inability of the Bank to right itself on every little change which drew its issues abroad, and the efforts that were resorted to to get back the gold from the Continent. He was impressed with the conviction that the difficulty was greatly increased by the inability of the Bank to issue more than one of the precious metals, and particularly in reference to that one which was the circulation of the rest of the world. It was quite clear that if they took a bill on Paris, Amsterdam, or any part of the world, they were quite sure of their silver; but when the Bank had obtained silver from abroad, it was obliged to go and purchase the gold. It appeared to Mr. Huskisson as to himself, that the disposition extremely to refine upon the question of the standard, as connected with a relation of the two metals to each other, did produce the greatest possible difference, and that which was most essential to be kept steady was the pound sterling; the Bank, throwing out its money loosely at one time, and drawing it in by jerks at another—discounting at 6 per cent. at one time, and 2½ per cent. at another, produced loss and injury to the country, and that it was absurd to be listening to philosophical arguments that there was occasionally a difference of 1 per cent. between the gold and silver. Mr. Huskisson was extremely intent upon the subject, and the consequence of that discussion with him was, that he (Lord Ashburton) was called upon to give the evidence before the Privy Council to which his noble Friend had alluded; but there were some inaccuracies in point of date and time, and there are observations, which, perhaps, if he were now to give similar evidence, he should put to the general argument of that agitation. The great outcry of the present day was against the Bank paper. The great object was, to take care that the paper should answer the purposes for which it was given—that there should be no suspension of that engagement. How had this system worked—practically operated—during the several crises which this country had undergone; he referred more particularly to those of 1825 and 1826, and 1837 and 1838, the latter in consequence of the derangement of affairs in America. In 1825 and 1826 the Bank was reduced to almost its last sovereign—there was just enough left to enable them to say, that they did not refuse any payment, but they were looking to the clock to see if they could last out five minutes longer. This was not inaccurate, because Mr. Richards, the Deputy Governor of the Bank, stated to His Majesty's Government, that he thought they were likely to be run dry. When that state of things existed, the Bank had silver and was treating with the late Mr. Rothschild to be able to make their payments in gold, giving him in exchange the silver in the Bank; and it was stated in evidence before a Committee of the House of Commons by Mr. Ward, one of the Bank Directors, that he (Mr. Rothschild) made something like 100,000*l.* by his patriotic exertions in taking the Bank out of its difficulty. In the panic of 1837 and 1838, the Bank was saved from failing by the Bank of France. If, in two instances, in times of profound peace, those were difficulties, what might not be their difficulties if unfortunately there should be a run upon the Bank when this country might be at war? That consideration induced him to make use of the expression which had been read by his noble Friend, in which he said that he did not think two years of expensive war would be gone through without returning to the catastrophe of 1797. As to the principle established by this new Charter to the Bank he would only say a few words. He thought that separating the Bank into two departments was wholly useless; it was quite harmless, but it was a delusion which persons not acquainted with the practical conduct of the Bank might naturally fall into, because at present a certain distinction was in effect made between the issuing and banking departments, and, whether this Act passed or not, they would of necessity be kept distinct. As to the limitation of issues, which provided for the gradual stopping of the issues of all country banks, he would only say, that if it was a desirable thing, it was well and carefully and judiciously done, because they consulted the opinions of all the existing banks inasmuch as a monopoly had been given to them in every part of the country. Then there came the checks put upon the Bank of England. Undoubtedly the Bank of England had been at times a great offender in the indiscreet mode of managing its circulation, but at the same time he had with his noble Friend opposite, some apprehension that after all that was an experiment which in its working might not turn out as well as had been expected. The limitation was, that they might issue to the amount of 14,000,000*l.* without the permission of anybody, and then they were to issue only to the amount of their specie—that being now about 16,000,000*l.*. Supposing that their specie came down so low as it was in 1825 or 1836 and 1837, when they had only 1,000,000*l.* they of course would then have 14,000,000*l.* of unlimited issue, and 1,000,000*l.* more for the amount of specie they had in hand. This would of course cause a great commotion in the country, and involve the country in much difficulty. His noble Friend had stated that the call upon the specie of the Bank arose from two circumstances, either a domestic panic, or a demand for exportation; with regard to the latter cause, the intended check upon the Bank might be found to operate, but in the other case it would not operate at all, because the distress at home obliged them sometimes to increase their issues, and the Bank might be drained without a sovereign going out of the country, as was the case in 1826. On the 17th of December 1825, the lowest return the Bank made was 426,000*l.* in silver, and 600,000*l.* in gold bullion. What was the state of their issue then? Though the Bank was running dry, the money was rather coming into the country than going out of it. The panic, however, was so great, and the difficulties of the country banks so general, that they had employed all the post chaises that were to be had for the conveyance of money from the Bank of England to the country banks. The issues of the Bank on the 17th December, 1825 amounted to 23,942,000*l.* which by the 31st December were further increased to 25,700,000*l.* The country banker could not possibly look to the foreign exchanges, for he must take into consideration the necessities of his own neighbourhood and a variety of other circumstances, and he could not, therefore, be that very wise man which the modern philosophers would wish him to be. Upon the whole, he thought the measure was a great experiment; his general opinion certainly was in favour of it, and he could only say that he hoped it would succeed.

The Earl of *Radnor* said, that in the former part of his speech, in which the noble Lord who had just sat down, had laboured very much to show the propriety of not returning to the old standard at the time when cash payments were suspended in 1797, he certainly entirely agreed with him. As to what the noble Lord had said of a joint standard of gold and silver, he did not agree with him, and he did not think that the noble Lord agreed with himself. If a man lent 100*l.* and knew, for instance, that there was a chance, he would be paid back in 96*l.* 10*s.*, he would take care and indemnify himself by a larger interest, to cover himself from the chance of loss. His noble Friend had said, that in France gold and silver circulated together; but then he did not apprehend that there was a joint standard in France, the standard there was silver, for the fact of a person paying an agio on gold, showed that gold and silver did not circulate together. As to gold being the standard in this country, he had never heard a reason given for having a gold one, except this, that this being a rich country, they ought to have a rich standard. As to the Bill which was then before the House, it was said by the Government, that it was for the purpose of preventing the fluctuations to which they hitherto had been subjected; and they were also told, that it would limit the circulation of the country banks. It was evident that one great object of the Bill was to limit the circulation of paper. We had at present about 21,000,000*l.* in Bank of England paper, and 8,000,000*l.* in paper circulation of other descriptions, making in all a circulation of 29,000,000*l.* The Bill provided that the country circulation should not be increased, but that it might be absorbed by the Bank of England, and re-issued again to the extent of two-thirds, with the permission of the Privy Council. He thought this was a very unwise thing to do. It was his belief that the country, if left to itself, would naturally provide itself with the amount of circulation which it wanted, and with no more than that amount, so that it would be presumptuous—he did not mean to use the words in an offensive sense—in any one to pretend to limit the amount of circulation which it might be fit for the country to have. He thought, too, that there was a very unfounded alarm on this subject amongst the agriculturists, namely, that a decrease in the circulation would decrease the price of corn. Gross misconduct had been imputed to the country banks, and also to the Bank of England, for the panics that had taken place, and the pressure that had at various times been felt; but it was his opinion that the great difficulty had arisen from another cause? perhaps he might be ridiculed for saying so, as bearing upon that which was his hobby, the Corn Law; but this he maintained, that there could be no doubt that the corn trade, being a fluctuating one, had contributed much to the difficulties that had pressed upon them. The years 1825 and 1826 had been years of distress, caused by internal circumstances; but with a little management on the part of the Bank, matters soon rallied, and the difficulties were got over; but the great difficulties that had arisen always had arisen when there was a great exportation of coin for the purpose of purchasing corn. The doctrine was, that bullion was found to go out of the country when the exchanges were against us; but it had been shown that bullion went out of the country even when the exchanges were in our favour. Now, he believed what was proposed by the Bill was, that by lowering the price of goods, goods would be sent out of the country instead of coin. If they wanted silks or wines, or articles of luxury, the rise in the prices of these articles would check the demand; but was that the case with corn? No; for exactly as corn became dearer, the more necessity was there for it, and the greater the necessity, the more would they be obliged to send for gold. The noble Lord having referred to one of Mr. Jones Loyd's pamphlets on the Currency, proceeded to say, that the difficulties referred to in that pamphlet, arose from their maintenance of the Corn Law. This was shown by the pressure felt in 1839-40, when money was borrowed from the bank of France. But then when the demand for foreign corn ceased, the pressure and its difficulty ceased also. His noble Friend had said, that under any system of Corn Laws the same difficulties must have occurred. Perhaps they would under any system of Corn Laws, but then if they had no Corn Laws, if they had a regular trade in corn, if corn were like any other article coming to the market, then, instead of coin going out of the country, they would be sending goods; and during the last three years that the harvest failed, there had not been an exportation of gold, but the corn was paid for in goods. What had been the consequence? That the bullion had increased to an inconvenient quantity. He admitted that the Bill had been generally approved of, because it was supposed that it would obviate those difficulties he had referred to. He was afraid that that was a delusive opinion; he believed that the Bill would bring on a still greater crisis. It was introducing a sliding-scale into the currency, as they had one in their corn; and the difficulties that had been felt would, he was sure, but be aggravated by the present measure. Nothing, he believed, would ever relieve them, so long as they had a Corn Law. It was his opinion that those who had attempted to manage the currency had much better have left it alone. They ought to let prudent men issue notes convertible into gold, to suit the demands of the country. They ought to have left men in this country to manage their own currency wisely, as well as they had in Scotland. He believed that the Scotch banks had given universal satisfaction. Feeling so strongly on this subject, as he did, he could not permit the Bill to go into Committee, and suppress his opinion respecting it.

Lord *Ashburton* explained. With respect to the Corn Law, he said, there could be no doubt that the want of corn at particular times must have a considerable effect on the currency; but no state of law could prevent that, unless they could govern the seasons.

House in Committee, the different Clauses agreed to.

House adjourned.

The following Protest was entered on the Journals against the Bill.

" DISSENTIENT—

" 1. Because this Bill, by unnecessary interference with the affairs both of the Bank of England and of the country banks, takes from those, who are most likely clearly to understand, and, if left uncontrolled, most able advantageously to direct, the management of their respective concerns, that freedom of action, by which both the interests of the parties themselves, and in the end those of the public, are best promoted; and in so far relieves them from the responsibility to which they ought to be subjected.

" 2. Because the provisions of this Bill are intended to supply the want of prudence and discretion in the persons directing these banking establishments—an object which can never be accomplished by general and legislative enactments; and because they thus hold out inducements, both to those persons themselves, and to the public in general, to rely for security against the ill consequences of such want of prudence and discretion—not on their own care and caution, or the known character and means of the parties—but on the provisions of the Legislature, which is wholly unfit and inadequate to afford it.

" 3. Because the commercial and financial difficulties, against the recurrence of which this Bill is meant to guard, have, in my opinion, not been generally owing either to mismanagement on the part of the banks, or to the want of such prudence and discretion; and if the great financial crisis of 1825, and that of 1837, may both of them be in some measure traced to the assistance incautiously given to improvident speculations, it is not probable that the experience of those periods will have been so lost, as not, of itself, to have prevented the repetition of similar conduct. If, however, such should be the case, I fear that this Bill, while it will entirely prevent the adoption of the measures which in 1825 (and, I believe, in 1837), restored confidence, and applied a speedy remedy to the difficulties of the times, will raise a much less effectual barrier against the operations out of which those difficulties arose.

"4. Because in all the cases of long-continued commercial and financial difficulties, these are, in my opinion, clearly to be traced to the exportation of bullion for the purchase of corn, at the period of deficient harvests; and because, in the event of the recurrence of a similar demand for foreign supply, the provisions of this Bill will not only not do anything to remedy the evil, but, by compelling a continued and constant contraction of the currency, tend very much to accelerate its progress and aggravate its effects.

"5. Because, in every case, when in consequence of the diminution of the bullion in the Bank of England, an inconvenient contraction of the currency may, under the provisions of this Bill, take place, that inconvenience will be further augmented by the withdrawal of the deposits in the Bank, which the evident interest of the depositors will occasion; and thus, cause and effect acting and re-acting on each other, the entire exhaustion of the bullion of the Bank, and the ruin of the establishment may be apprehended.

"6. Because the amount of the currency required by the wants of the country varies from time to time, and is influenced by a multitude of circumstances quite out of the reach of human controul or of possible foresight, and the attempt to regulate it by legislative provisions introduces a new, unnecessary, and unnatural element of uncertainty in the value of property, subjects it to the discretion (it may be to the caprice), of particular individuals, and tends most mischievously to disturb the relation of debtor and creditor.

"7. Because I believe that, in a great commercial and opulent country, whose pecuniary transactions are infinitely multifarious, and especially in this country, where for many years the currency has been of a very varied character, any attempt to manage it by legislative enactments is as impossible as to regulate the amount which may be required; that when the Legislature has provided a sure, certain, and unerring standard on which it shall be based, and has secured to the people the easy and immediate convertibility of any paper or token (which may be issued by private individuals or by any company) into the legal and recognised coin of the realm, they have done all that they ought to do, or can safely and effectually effect; and that all the rest may be safely left to be regulated by the wants of the people, and by the interests and the judgment of the persons who minister to them. "RADNOR."

HOUSE OF COMMONS,

Friday, July 12, 1844.

MINUTES.] BILLS. *Public.* 1°· District Courts and Prisons; Western Australia; Farm Buildings; Parish Constables; Criminal Justice (Middlesex); Loan Societies.

2°· Marriages; Soap Allowances.

Reported.—Law Courts (Ireland); Municipal Corporations.

3°· and passed:—Detatched Parts of Counties; Butter and Cheese; Actions for Gaming Discontinuance (No. 2).

Private.—2°· Ramsden's Estate; Hitchins' (or Peach's) Estate.

Reported.—Ayr Bridge (No. 2).

3°· and passed:—Sudbury Disfranchisement.

PETITIONS PRESENTED. By Mr. Plumptre, from Wells, for increasing the efficiency of the Church of England.—By Mr. Plumptre, from Wells, and Marylebone, for better observance of the Lord's Day.—By Sir W. Codrington, from Wheatenhurst, against Repeal of the Corn Laws.—By Viscount Palmerston, from Engravers, for Encouragement of Art Unions.—By Mr. Aglionby, from Greenwich, against Encroachments on the Park.—By Mr. Aglionby, from Admiral Sir E. Codrington, and others, for Amendment of the Law of Merchant Seamen.—By the Solicitor General, from certain parties, respecting Poole Election.—By Mr. Ferrand, from Yorkshire (5), for Repeal of the Poor Law; and by several hon. Members (6), for Amendment of same.—By Mr. Collett, from Athlone, complaining of Opening Letters.—By Mr. Ord, from Newcastle and Carlisle Railway Company, against Railways Bill.—By the Lord Advocate, from Kintyre, for Ameliorating the Condition of Schoolmasters (Scotland).—By Mr. Grogan, from George Mafrath, respecting State Trial (Ireland).

BRAZILIAN TARIFF.] Mr. *M. Gibson* begged to ask the right hon. Gentleman opposite a question upon a subject of very great importance. Intelligence had reached him from the Brazils to the effect that it was the intention of the Brazilian Government to adopt a new Tariff, to come into operation after the 10th of November next, and which imposed a higher rate of duties upon all the chief articles of British manufacture than were applied at present. Apprehensions were once entertained that such would be the result of the policy recently adopted by this country, and he wished to know whether Her Majesty's Government had received any intelligence to the effect he had stated?

Sir *R. Peel* said, that he had seen in the public papers a statement to the effect of that made by the hon. Gentleman. In consequence of the notice which the hon. Gentleman had been polite enough to give him of his question, he had made inquiry at the Foreign Office whether any information of the kind had reached Her

Majesty's Government, but he found that none such had arrived.

SUGAR DUTIES — JAVA.] Mr. *M. Gibson* begged to ask whether Her Majesty's Government had received any communication from the Dutch Government relative to the importation of the sugar of Java into this country, and whether there would be any objection to lay copies of those communications on the Table?

Sir *R. Peel* said, that Her Majesty's Government were in correspondence with the Dutch Government on the subject of certificates of origin, and also in regard to the differential duties on British commerce; but he was not prepared to lay copies of that correspondence before the House.

STEEL MANUFACTURES.] Mr. *Parker*: The right hon. Gentleman will recollect that a deputation from Sheffield waited upon him some few weeks ago, in the course of which Dr. Holland, an eminent physician of that town, explained the very fatal effect that was produced upon the grinding population of that town by the unventilated state of the workshops. It was also shown to the right hon. Baronet, that by means of a fan, an easy and inexpensive mode of driving away the deleterious particles of steel and dust from the grinding wheel was practicable. The deputation having stated these things, and having pressed them upon the attention of the right hon. Baronet, he was good enough to say that he would take them into consideration, and give an answer when he had done so. In consequence, he begged to ask the right hon. Gentleman whether he was disposed to take any step in the matter on the principle of compulsory legislation; but if, as was most probable at the present period of the Session, such legislation was impracticable, whether he would be willing to call the attention of the Commission over which the noble Earl the Member for South Notts presided, or that of some factory commission, with the view of enabling the Government hereafter, or some independent Member, to address themselves to the subject, with the advantage of having the Report of persons connected with mechanical affairs, and able to form a sound opinion on its necessity and objects before them. He believed it would be found quite practicable; and if so, would confer a great benefit on a numerous class of the population, who now suffered from diseases little known to that House, but the tendency and incipient causes of which might be removed by proper ventilation?

Sir *J. Graham* said, that the short time which had elapsed since he had received a deputation from Sheffield on this subject, had not allowed him to devote very minute attention to it. He had not yet had any means of ascertaining the efficacy of the invention alluded to; but he should certainly not be prepared to enforce the adoption of anything of the kind by Act of Parliament. If the remedy were as cheap and effectual as had been stated, he thought the master manufacturers themselves would be disposed to adopt it.

POOR LAW.] House in Committee on the Poor Law Amendment Bill.

On Clause 22,

Mr. *Borthwick* proposed the addition of these words, "every clergyman of the Established Church holding cure of souls in such parish or union shall be *ex officio* a guardian."

Sir *J. Graham* said, that this point had on more than one occasion been duly considered, and the result was a strong conviction that the Amendment was not desirable. It would have the effect of bringing the clergy of the parish or union into unpleasant broils and sometimes angry collision with many of their congregations, which would not tend to promote that good feeling which ought to subsist between a clergyman and the members of his flock. If the clergyman should be an advocate for administering relief to the poor with a sparing hand, he would become unpopular with that class. If, on the other hand, he was anxions to procure relief for the poor on a liberal scale, he might draw on himself the angry feelings of the rate-payers. On the whole, he thought that the duties of a guardian of the poor were not in every respect consistent with those of a clergyman having the cure of souls. He believed that it was not the wish of the clergy to have this duty imposed on them, and for all these reasons he felt it to be his duty to resist the proposition.

Mr. *B. Cochrane* saw no danger in adopting the proposition; for it was the case in Scotland, that the money collected for the relief of the poor passed through the hands of the clergy.

Sir *J. Graham* said, that money left at the Church doors on Sundays in Scotland, as a religious offering, was wisely left to the disposal of the Clergy in the relief of the poor. But this fund was not analogous to the fund raised in England for poor relief.

Mr. *T. Duncombe* said, that if there was any force in the argument, that clergymen should be excluded from the boards of guardians, it would equally prevail for the exclusion of clergymen from the Commission of the peace. From communications he had received, he believed that there existed a very strong feeling among the people in favour of clergymen being *ex officio* guardians, as they generally administered the Poor Law in a lenient manner. He knew no one who ought to be better acquainted with the circumstances of the poor than the clergyman of the parish; and for this reason, he should vote in favour of his being (whether he were rector or curate) an *ex officio* guardian.

Mr. *Aglionby* said, that a new light seemed to have broken in upon the hon. Member for Finsbury. He did not wish to impute inconsistency to the hon. Member, but, if he mistook not, he had voted with that hon. Member for the establishment of the principle that all guardians should be elected. He concurred with the right hon. Baronet in resisting, for the sake of the harmony of the parish, the proposition now made. He should wish the clergyman to be looked up to as being the friend of the poor, but he thought there was no way less likely to effect this object than the making him a Poor Law guardian.

Mr. *Ferrand* thought that the observations just made against the hon. Member for Finsbury were very unfair. The hon. Member for Finsbury possessed the confidence of the working classes to a great extent; and he stated that he had been applied to by some of them to support such a proposition as that made by the hon. Member for Evesham. He was rejoiced that the poor had declared such confidence in the clergy. The clergy of the Church of England had been for years traduced; but he asserted that they were the best friends of the poor, and he believed that if the poor had the power of selecting the Board to which they would apply, it would be a board composed of clergymen.

Mr. *T. Duncombe* admitted, that he thought that all Poor Law guardians ought to be elected by the ratepayers; but if there were to be *ex officio* guardians, no persons were, in his opinion, better fitted for the office than clergymen, because they were the most lenient administrators of the law.

Lord *J. Manners* said, that if there was truth in the argument that those who administered the Poor Law were brought into conflicts and broils of all sorts with the people, and that, therefore, it was necessary to keep the clergy out of this confusion, this was an argument that the system itself could not be grounded in what was right. Those who had the cure of souls ought also to be the dispensers of charity. This was the case in Scotland and in France; and the French clergy had in an especial manner the confidence and respect of their flocks. He admitted that there were difficulties in the way of the proposition of the hon. Member for Evesham; but they arose out of the cast-iron machinery by which it was endeavoured to carry into effect the provisions of the Poor Law.

Mr. *R. Yorke* thought, it must be admitted that there was some awkward truth in what had fallen from the right hon. Baronet. At the first view, it seemed that no person could be more properly selected as an *ex officio* guardian for the administration of charity than the clergyman of the parish; yet, considering the peculiar difficulties in which the question was involved, he was inclined to think that, for the sake of peace, it would be advisable to leave clergymen to take their chances of election, and not to make it a necessary and inevitable consequence that, because they were clergymen, they should be *ex officio* guardians.

Amendment withdrawn.

Clause agreed to.

On Clause 23, providing that the relief of married women in certain cases should be subject to the same conditions as if they were widows,

Mr. *Hindley* objected to the Clause. The orders of the Poor Law Commissioners provided that widows should not have relief out of the workhouse, and if the wives of lunatics, idiots, and men who had been transported were to receive similar relief, the workhouses would be crowded with them.

Sir *J. Graham* said, that women who had been deserted by their husbands, or whose husbands had been separated from them by the operation of law, were to be treated to all intents and purposes as widows. For six months they would be entitled to relief, and beyond that period it was open to the Board of Guardians to decide whether relief was to be given them. The object of the Clause was to make the mother of a family maintain her family as far as she was able, and in case of her deserting them she was rendered liable to the same penalties as was attached to a father deserting his family. That was the object of the Clause, and he considered it a just one. In cases where convicts behaved well, the Government had given facilities for defraying the expenses of sending their wives and children to the colonies; but the expense was great, and one of which it had been deemed fit to relieve the country.

Clause agreed to.

Mr. *Darby* objected to the 24th Clause, which gave to overseers the power of levying off the estates of insane paupers the expenses incurred for their maintenance. He thought such a power ought not to be given to overseers. Some account should be taken of the amount of property that might be seized, and a return ought to be made to the justices' at a Quarter Sessions. He did not, as the Clause then stood, see any security for the proper application of the funds that might be raised.

Sir *J. Graham* said, his belief was that the operation of the Clause would lead to that which was much to be desired—the relief of insane paupers, not by maintaining them in workhouses, but in lunatic asylums.

Mr. *Bailie Cochrane* observed, that if once the principle was admitted that insane persons were to be kept in workhouses, it might be carried to any conceivable extent.

Sir *J. Graham*: Not so: the existing law was sufficiently stringent with regard to the detention of lunatics in workhouses. No dangerous lunatic or idiot could be kept there more than fourteen days, and the Clause they were now debating only, in fact, aimed at carrying out the law by giving to the guardians of the poor such a power over the estates of lunatics as would enable them to send them to asylums.

Mr. *Cochrane* thought he knew of cases, in which lunatics had been confined in workhouses for more than fourteen days. The law which the Home Secretary had adverted to, was very generally disregarded; in some counties necessarily so, because there was no lunatic asylum.

Lord *Ebrington* was glad that facilties were about to be given to render the property of lunatics available for their support. In some instances he had observed a disinclination in Boards of Guardians, on account principally of the expense, to forward lunatics to asylums until they became too dangerous and incorrigible to be kept anywhere else. There was no economy more mistaken than that of delaying to send lunatics to places where they might be cured in the earlier stages of their affliction. A more enlightened view of their own interest in this respect would he hoped, induce Poor Law Guardians to act in future upon different principles.

Lord *Ashley* observed, that the view taken by the hon. Member for Bridport had been more than confirmed by the Report of the Metropolitan Commissioners of Lunacy, who stated that in many workhouses there were confined a large number of absolutely dangerous lunatics. The Commissioners gave instances. In the Redruth Union workhouse there were forty-one insane persons, including six idiots, and several violent lunatics; in the workhouse of the Bath Union there were twenty-one insane persons, including a dangerous woman; in that of the Leicester Union there were thirty mad persons, including three males and nine females who were dangerous lunatics; and in the Birmingham Union workhouses there were seventy-one cases of insanity, many of which were described as of a very grave class. Now, the Poor Law Commissioners had expressed an opinion that the detention of any incurable lunatic was objectionable on the score both of humanity and economy; and the Act which the Home Secretary had quoted, no doubt provided that no dangerous lunatics or idiots should be detained for more than fourteen days in the workhouse. But this law was constantly evaded by a quibble about the force and application of the word "dangerous." It was obvious, however, that in a workhouse the insan person was subject to no supervision, and no remedial treatment, whilst there was no opportunity of any sort afforded for classification. In many cases the guardians, no doubt, laboured under great difficulties in the disposal of pauper lunatics and idiots, by reason of the insufficient provision afforded for them in county asylums. It was a startling fact, that in England and Wales there were 17,000 pauper lunatics, and only public asylums provided for 4,500. How were the rest disposed of? In private asylums, in workhouses, and if they went to the Principality, they would find that they were too often treated as no man of feeling would treat his dog—that they were kept in outhouses—chained—wallowing in filth, and without firing, for years. It was a subject that really required investigation. He rejoiced in that opportunity of directing the attention of the House to the subject, beseeching them to remember, as a rule, that if taken in time, insanity was susceptible of cure, but that if permitted to grow, it became, as an hon. Member opposite (Mr. Wakley) would tell them, confirmed, and, in fine, a permanent affliction.

Colonel *Sibthorp* asked, if the House, after hearing the statements of the noble Lord, could permit poor creatures to remain in the state described. He begged the Home Secretary to assign a single reason for permitting such things to occur in a land overrun by Poor Law Commissioners and Sub-commissioners, who really seemed to interfere with everything but that which they ought to deal with.

Sir *J. Graham* replied, that he did not understand the noble Lord to say, that the abuses he adverted to, took place in workhouses. No doubt, however, the whole subject was well entitled to the careful and early attention of the House. In the course of next Session, indeed, he himself would be bound to bring it forward, for the Metropolitan Commission of Lunacy expired next year, and it would then be absolutely essential that the whole subject should come under immediate review. After the statement, too, of the noble Lord, that out of 17,000 pauper lunatics, there was a public provision made for only 4,500, the subject acquired additional importance.

Colonel *Wood* said, persons were very anxious throughout the Principality to provide lunatic asylums; but the counties were so small as not to permit each one to support such an expense individually, and their attempts to join neighbouring counties in building an asylum jointly, large enough for all, were frustrated by the state of the law which forbids such an union. He hoped the right hon. Baronet would alter the law, and make it imperative on the counties to build proper lunatic asylums.

Mr. *Wakley* was surprised that nothing had been done by the present measure to remedy the state of the lunatic poor in the workhouses; the Poor Law Commissioners must have long been cognizant of the horrible condition in which those unfortunate persons were. The existing law was daily violated with respect to pauper lunatics in the workhouses, and the Poor Law Commissioners knew it. The reason, no doubt was, that the cost of supporting a pauper lunatic was one third less in the workhouse than it would be if he were sent to the county asylum. The advantages which were derived from an early remedial treatment of lunacy were immense. They constituted all the difference between cure and confirmed insanity. The curative system now enforced in the Middlesex County Lunatic Asylum was such as to confer the highest credit, not only on the magistracy, but also on the whole community. There never was a system more humane, more generous, and, he might add, more successful. The only misfortune was, that there was not room enough to accommodate all those unfortunate lunatics who were chargeable to their parishes, and now consequently were confined in their respective workhouses. It often happened that when a lunatic recently attacked was brought to the county asylum, the room which he might have occupied with some chance of cure under the treatment there enforced was already in the occupation of a confirmed and incurable lunatic, and thus all the benefit available from curative means was lost to such for ever. This was a crying evil, and one which the right hon. Baronet ought to remedy. He hoped the next Session would not pass without some measure being proposed by the Government for this purpose. The delay of a single week was often fatal to the cure. It however, sometimes happened that the workhouse authorities would characterize a troublesome inmate as lunatic, merely in order to get rid of him. It occasionally happened that a pauper found fault with his diet or his treatment in the workhouse, and thus occasioned trouble to those about or placed over him—and sometimes it would be suggested that such a person must be mad, he was so very discontented. All that was necessary to be done was, for the magistrate to consent to his removal on the production of a medical certificate of the person's insanity, and this was frequently signed by the very individual who had first suggested the possibility of his being mad. Such practices as these ought to be guarded against, and, indeed, the right hon. Baronet would do well to see that the regulations of the Poor Law Amendment Bill were more strictly adhered to in future, than to his knowledge they had been.

Clause agreed to.

On Clause 27, relating to the burial of paupers,

Captain *Pechell* wished to call the attention of the right hon. Baronet to a system adopted in some Poor Law unions, of preventing the relatives of paupers who died in workhouses from attending their funerals. A case of this natture had come before the magistrates at Marlborough Street, and had occasioned great annoyance and excitement. Surely it could not be maintained that the relatives of persons who died in workhouses should be prevented from following their remains to the grave. He wished to direct the attention of the right hon. Gentleman to this subject, and he hoped he would give it his consideration.

Sir *J. Graham* said, it had been decided by the supreme court of judicature in this country, that under the 43rd of Elizabeth, the parochial authorities had no power to defray from the poor rates the expense of interring the bodies of wayfaring persons who did not die in the workhouse. The first part of this Clause was intended to provide a remedy for that grievous evil, and he hoped it would receive the unanimous sanction of the House.

Mr. *Wakley* hoped the right hon. Baronet would consent to the postponement of this Clause, for if it was postponed, he believed the right hon. Gentleman would see the necessity of reconstructing it. He wished the right hon. Gentleman was with him for a fortnight. The right hon. Baronet would then have an opportunity of seeing what miseries and inconvenience might be removed and prevented by the alteration of this Clause. It happened, not unfrequently, that a death took place in a room eight or ten feet square, occupied by four, five, six, or seven persons. Only a few days ago, he had witnessed two cases of this nature. In the first, a woman and three children were living in a room only twelve feet square, in which there was a corpse. In the second case, the room was only nine feet square, for he measured it himself, and though there was a dead body in it, it was occupied by a man his wife, and three children. But what said this Clause? It provided that the guardians should have the power to bury the body of any poor person which might be within their parish or union, "if such poor person have died without effects of sufficient value for defraying the expenses of burial." Why, in the first case to which he had just alluded, the poor woman whose child was dead received 2*s.* 6*d.* a-week and three loaves of bread from the parish; she had no relations to assist her, her only relative being a sister who was in service, and who she stated was extremely kind to her; but the furniture in the house was her own. Now, if that woman applied to the parish for a coffin, and for the expenses of burying her child, she might be met by the words of this Clause—"if such poor person have died without effects of sufficient value defraying the expenses of the burial." He begged to remind the House that the first part of the Clause was only permissive—it was not directory; it did not require that the parish officers should bury the body,—it only said, that it should be lawful for them to do so. Could it be said that they entertained any respect for the feelings of the poor population of this country? Why, they treated them like barbarians. Cases were frequently brought under his notice in which poor persons, suffering under the most painful bereavements, and entreating only a coffin to bury the remains of their relatives, were refused even that boon, and were bandied about from one parish officer to another in the most shameful manner. In cases of the description to which he was alluding the greatest facilities for burial ought to be afforded. In many instances, the progress of decomposition within a few hours after death, was most frightful, and was attended with great danger to human life, not only in the apartment and in the House in which the body lay, but throughout the whole neighbourhood. He thought that under these circumstances neither the right hon.

Baronet (Sir J. Graham) nor the Poor Law Commissioners could object to give overseers, churchwardens, or relieving-officers, the power of defraying the expenses of burial. He hoped the right hon. Gentleman would postpone the further consideration of the Clause.

Sir *J. Graham* said, he could not accede to the suggestion of the hon. Member, that this Clause should be postponed and he thought the Committee must feel that such a course would not be consistent with policy or propriety. The House must remember, that according to the existing law, and in conformity with the interpretation put upon that law by the supreme court of judicature, no parish union in England or Wales could defray the expense of burying any pauper unless such pauper died in the workhouse. In order to remedy this evil the present Clause was framed, enabling the guardians of parishes or unions to bury paupers who might not die in the workhouse. He was most anxious that under proper safeguards, facilities should be afforded for the interment of the bodies of destitute persons at the cost of the poor rate, although such persons might not die in the workhouse. It would be necessary to adopt some checks and restraints; but he invited a full discussion of the subject, and if the Clause was imperfectly framed, and any hon. Gentleman would suggest more perspicuous expressions, he should be glad to attend to such suggestions.

Colonel *Wood* (Brecon) hoped the hon. Member for Finsbury would not press the postponement of this Clause. He could only say, that in the union with which he was connected, the law as stated by the right hon. Baronet was not carried out. If a death took place within the union, the relieving officer, on application being made to him, furnished a coffin, and reported having done so at the next meeting of the board of guardians; and if they found it was a case in which it was reasonable that an interment should take place at the expense of the union, they allowed the charge. It was a most extraordinary thing that guardians should not have the power to defray the expense of interring poor persons who died out of the workhouses; but he did not think there was a single union in the kingdom in which the law was administered on that principle. He hoped the law would now be altered, and that it would be enacted that the expense of the interment of desitute persons should be defrayed from the poor rates, whether they died in or out of the workhouses.

Sir *J. Graham* said, he would make a proposal to the Committee which would go far towards obviating the objections that had been made to this Clause. He believed, that the objection which had been raised by his hon. Friend behind him, that the Clause gave the power to guardians only of ordering burial, would be met by the fact that the boards of guardians now had the power of delegating to the officers of the unions the authority to grant relief; and he presumed, therefore, that under the Clause as it now stood, they would be able to delegate to such officers the authority to order the interment of the bodies of destitute persons. He was ready also, to consent to the omission from this Clause, of the words—"if such poor person have died without effects of sufficient value for defraying the expenses of the burial."

Clause with Amendments passed.

On Clause 28, providing that auditors are to be appointed for districts of unions by the Chairman and Vice-Chairman of boards of guardians.

Mr. *C. Wood* said, it was necessary that the auditing body should be free from all local influence; and the mode of appointment proposed by the Bill was an improvement on the existing practice, according to which auditors were appointed by the boards of guardians. The appointment of officers by boards of guardians led to jobbing. The Committee of 1838 suggested that the appointment of auditors should be with the Commissioners, and this would certainly relieve the auditors from the influence of the guardians. It also not unfrequently happened that illegal expenditure was authorized by Boards of guardians, and when this happened the remedy against them was exceedingly cumbrous. He suggested whether it might not be possible to substitute some more simple and summary mode of proceeding.

Captain *Pechell* thought the Clause was of a destructive nature. He trusted the right hon. Baronet would not allow a Clause of this grasping nature to remain in the Bill, which he termed an ameliorating measure. The principal objection which he (Captain Pechell) entertained was, to the appointment of the auditors, who were to be under the control of the Poor Law Commissioners, not merely as to their salaries, but as to the guidance of their conduct. He objected to the introduction of the wedge of the Poor Law Commissioners into the local management of unions, for, when once that wedge was admitted, nobody could say how soon it might be driven home. The effect of the Clause would be to create distrust and suspicion in the minds of the ratepayers.

Colonel *Sibthorp* moved, that the Clause be struck out of the Bill. He had the same objections to it as had been already expressed.

Sir *J. Graham* said, he had no hesitation in saying that the Clause would operate generally, not only upon unions existing under the Poor Law Amendment Act, but upon unions which were governed by local acts. When he had considered this subject it had been proved that great abuses had occurred in the administration of the funds, whether the parishes were under general or local acts, and he knew of no restraint that would be more efficient and less objectionable than that which he proposed by this Clause. He admitted that the Report of the Committee which sat in 1838 recommended that the auditors should be independent of the ratepayers, and for that purpose that they should be appointed by the Commissioners. He had not gone the whole length suggested by the Committee, and approved of by the hon. Member for Halifax, but he had proposed that district auditors should be appointed by the Chairman and Vice-Chairmen of unions, instead of being elected by the guardians, as at the present time. He attatched great importance to the Clause they were then considering, and he believed that anything less than what he proposed would, judging from past experience, be inefficient; and if the Committee rejected the Clause, they would, in his opinion, leave a mass of public accounts unsubjected to any effectual check or control. Before he sat down he wished to inform the House that he had recently seen a decision of the Court of Queen's Bench as late as the 8th of June, by which the Judges had determined that the Commissioners, with reference to all local acts, had the power of compelling an audit, and of making it as searching, as general, and as effective as could be desired.

Mr. *C. Wood* said, the Clause, as proposed by the right hon. Gentleman, would not render the auditors independent. He proposed to leave out all the words commencing "and" in the sixth line, and ending "Commissioners" in the fourteenth line; all that part of the Clause, namely, which gave the election to the Chairman and Vice-Chairman of the Board.

Mr. *S. Wortley* said, that in the conflict between the right hon. Baronet and the hon. Member for Halifax the interests of the parties more immediately concerned seemed to be totally neglected. He thought that those who were to be protected ought not to be considered.

Mr. *Borthwick* would vote for the Amendment rather than the Clause, though, if it were carried, he did not know whether he should even then vote for the Clause. He had heard of no practical grievance under the present system of auditing accounts, and he agreed in the opinion expressed by the hon. and gallant Member for Lincoln, that it would be better to let well alone, and to reject the Clause altogether. The guardians. who had the expenditure of the funds, were to have the power under the Clause of electing the auditors, who were to pass their own accounts. Now, in his opinion, those who paid the money ought to have the right of selecting the persons who audited the accounts of those who had received and expended it.

Mr. *Childers* would vote for the Amendment of the hon. Member for Halifax, as it would go as far towards vesting the right of choosing their own auditors in the general body of ratepayers as could be done. The Clause as it now stood was most clumsily constructed, and he thought it extremely objectionable.

Mr. *Wakley* agreed in the last observation of the hon. Member who had preceded him. The Clause was most clumsily framed. It was monstrous to propose to vest the election of auditors in the chairmen and vice-chairmen of boards of guardians. The office of auditor was a most important province of the Poor Law, and it ought to be most carefully provided that the persons elected to fill it were independent in all respects of those whose accounts were to pass under their inspection. The right hon. Baronet, however, seemed to him to be in favour himself of the Amendment. He had spoken in such coy terms of it, and had altogether adopted such a tone relative to it, that it was evident he was only anxious to ascertain the disposition of the Committee towards it, and if that was favourable to adopt it. If the country was to have a set of Poor Law Commissioners, the next thing to do was to make them as useful as possible, and they could not be employed in a manner more beneficial for the interests of the ratepayers than in looking after the expenditure of the funds raised for the poor. If there was to be a change in the present system, let it be an effectual change, as the hon. Member for Evesham had said. He should follow the example of that hon. Member and vote for the Amendment, with the intention of voting afterwards against the Clause; for he thought it was advisable in case the Committee should not reject it altogether, to get such alteration made in it as would render it least objectionable. It was notorious when an Act of Parliament had been made that no one there could tell what its effect was, and he found the same result would happen with respect to the present Bill. All he wished was, that the right hon. Gentleman would speak out and tell the Committee what he would do; let him declare his anxiety to have a good system of auditing established. He had much better give the power of appointing audtiors to the Commissioners, as the responsibility would then rest upon them, and the House would be able to test the extent of their responsibility; whereas, if they (the Commissioners) were refused this power, they would have the right of saying, in case of any abuse being attributable to those who audited the accounts, "The House of Commons refused to give us the power of nominating the auditors, and we cannot be responsible for the conduct of those functionaries." The ratepayers would be most grateful to the right hon. Baronet for an efficient system of auditing the accounts of the boards of guardians, and believing that the Amendment of the hon. Member would improve the Clause, he should give it his cordial support.

Mr. *Plumptre* should oppose the Amendment, as the Clause in its present form would give much satisfaction in a local point of view.

Mr. *B. Hawes* said, that whatever the local feeling referred to by the hon. Member for East Kent might be, the ratepayers at large would greatly approve of the Amendment, if it were carried. He cordially supported it. He thought great distrust would be excited by the power of appointing auditors being vested in officers elected from amongst those who had the expenditure of the funds intrusted to them. They would say, and very naturally, "Either let us appoint auditors, or vest their nomination in the Commissioners, but, at all events, let the appointments be independent of all local interests." He, however, whilst expressing his intention to vote for the Amendment, did not by any means pledge himself not to vote against the Clause when it should be proposed to pass it.

Sir *T. D. Acland* remarked upon the extraordinary change that had taken place since last year in the sentiments of hon. Members with respect to the Poor Law Commissioners. Then all was distrust, suspicion, and blame; the only cry was, "Get rid of them altogether." Now the universal desire seemed to be to give them additional power, and to trust them more than even the Government had ever proposed to do. He, for his part, believed the Government had done the best towards ameliorating the Poor Law by the present measure, and he should support the Clause as it originally stood.

The House then divided on the question that the words proposed to be left out stand part of the Clause:—Ayes 132; Noes 39: Majority 93.

On the question that the Clause as amended stand part of the Bill,

Captain *Pechell* rose, to move the addition of a proviso, to exempt parishes under local acts from the interference of the Poor Law Commissioners with respect to the auditing of the accounts. The whole discussion for the last two hours had turned upon the question whether the auditors should be appointed by the Chairmen and Vice-Chairmen of boards of guardians, or the whole power should be vested in the Commissioners; and he was sorry to find that some of his hon. Friends seemed disposed to give up the control of places under local acts to the Government in this respect. The Committee should bear in mind that this Clause as it stood would strike at the very root of out-door relief; and he called upon all those hon. Members who, when upon the hustings, declared that they would oppose or ameliorate all harsh measures, to assist him in his attempt to add this proviso. Would they allow the Government to place large towns and cities under the control of these auditors, who would have the power of disallowing any item of out-door relief which they deemed contrary to the regulations lately issued by the Poor Law Commissioners? True, eight cases were stated in which out-door relief might be given, but not one of them was that case in which it ought to be given. There was already sufficient remedy for abuses, because the vestry could appeal to the quarter sessions against any improper expenditure of the public money.

Sir *J. Graham* said, the Clause had already been so fully discussed, that it would be a waste of time to dwell upon it; still, he was unwilling to leave the remarks of the hon. and gallant Member altogether unnoticed. If this Clause was useful and necessary in respect to the unions which were under the control of the general law, he did not see why it should not be so with regard to places governed by local acts. He did not see any grounds for exempting them from the examination of an auditor, whose duty it would be to exercise a proper control over those who expended the public money.

Mr. *Williams* was not disappointed at the meagre reasons given by the right hon. Baronet for not agreeing to the proposed proviso. But the interference of the Poor Law Commissioners with parishes who manage their poor well under local acts, was not wanted, and would be productive of no good effects.

Mr. *Muntz* assured the Government and the Committee that his constituents, of all classes and parties, were decidedly averse to this interference with guardians who had conducted their affairs well under their own Acts. He could speak of guardians after twenty years' knowledge of them, that they required no such interference. He hoped the Government would think seriously of this matter.

Mr. *T. Duncombe* said, that this Clause was thought to be objectionable, not only by parishes in the country, but by all the large metropolitan parishes, Marylebone, St. James, and St. George. [Sir *J. Graham:* They are exempted.] No; that did not appear to be the case. The right hon. Baronet said, if the new system of auditing was good for the rest of England, it was good for the parishes under local Acts. [Sir *J. Graham:* Hear, hear.] Upon the same principle the Government ought to apply the New Poor Law to all England; for if it was good for the rest of England, it must be good for all the parishes which were governed under Hobhouse's Act, or any local Act. Why, then, did they not come boldly forward, and repeal all the local Acts, the Gilbert Acts, and the Hobhouse Acts? He could then understand what they were about. Let them not do that by these underhand means of a new system of auditing. He should certainly vote for the Motion of his hon. and gallant Friend. When this Bill was introduced, he understood that it was to be a sort of modification of the existing law; but the fact was, it would make it more offensive than before. They would bring the odium and opposition of all the parishes under local Acts to bear on the New Poor Law; and he really thought that the sooner this Bill was thrown out the better, if they could not bring forward a more acceptable measure.

Mr. *S. Crawford* also protested against the Clause in its present form, and said, that his constituents at Rochdale felt as hostile to it as the inhabitants of other places.

The Committee divided on the question that the proviso be added:—Ayes 38; Noes 139: Majority 101.

Mr. *Escott* asked whether some provision could not be made to exempt from the operation of this Clause those places in which the present system of auditing accounts had given general satisfaction, allowing it to have operation only in cases where abuses had existed?

Sir *J. Graham* was understood to say, that if the hon. Member could point out any mode by which this could be accomplished, he was ready to take the suggestion into consideration.

On the question that the Clause as amended stand part of the Bill, the Committee again divided:—Ayes 137; Noes 44: Majority 93.

List of the AYES.

Acland, Sir T. D.
A'Court, Capt.
Adderley, C. B.
Alford, Visct.
Bailey, J.
Baillie, Col.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Beckett, W.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bouverie, hon. E. P.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Buck, L. W.
Buller, E.

Buller, Sir J. Y.
Burroughes, H. N.
Cavendish, hon. G.H.
Chelsea, Visct.
Childers, J. W.
Christie, W. D.
Clayton, R. R.
Clerk, Sir G.
Clive, hon. R. H.
Cochrane, A.
Cockburn, rt. hn. Sir G.
Cole, hon. H. A.
Corry, rt. hon. H.
Cowper, hon. W. F.
Cripps, W.
Curteis, H. B.
Denison, E. B.
D'Eyncourt, rt. hn. C. T
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Duncan, G.
Duncombe, hon. A.
Eliot, Lord
Farnham, E. B.
Fellowes, E.
Fitzmaurice, hon. W.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fremantle, rt. hn. Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goring, C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Hamilton, J. H.
Hawes, B.
Herbert, hon. S.
Hope, hon. C.
Howard, hn. E. G. G.
Howard, P. H.
Hughes, W. B.
Hutt, W.
Ingestre, Visct.
Irton, S.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lemon, Sir C.
Lincoln, Earl of
Lowther, hon. Col.
M'Neill, D.
Manners, Lord C. S.
Martin, C. W.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Mitcalf, H.
Mitchell, T. A.
Morgan, O.
Morris, D.
Newry, Visct.
Nicholl, rt. hon. J.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Palmer, G.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennant, hn. Col.
Plumptre, J. P.
Plumridge, Capt.
Pringle, A.
Pusey, P.
Rashleigh, W.
Rice, E. R.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Scott, R.
Seymour, Sir H. B.
Smith, rt. hon. R. V.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sotheron, T. H. S.
Stanley, Lord
Stock, Mr. Serj.
Sturt, H. C.
Sutton, hon. H. M.
Talbot, C. R. M.
Thesiger, Sir F.
Thompson, Ald.
Trench, Sir F. W.
Trotter, J.
Vernon, G. H.
Vesey, hon. T.
Vivian, J. H.
Waddington, H. S.
Warburton, H.
Wawn, J. T.
Wilshere, W.
Wodehouse, E.
Wood, Col.

TELLERS.

Young, J.
Lennox, Lord A.

List of the NOES.

Ackers, J.
Aldam, W.
Alix, J. P.
Arkwright, G.
Bankes, G.
Barnard, E. G.
Collett, J.
Crawford, W. S.
Darby, G.
Dugdale, W. S.
Duncombe, T.
Egerton, W. T.
Escott, B.
Etwall, R.
Fleetwood, Sir P. H.
Forman, T. S.
Fuller, A. E.
Gore, M.
Gore, W. O.
Greenaway, C.
Hall, Sir B.
Henley, J. W.
Hervey, Lord A.
Hindley, C.
Hodgson, F.
Hodgson, R.
Hussey, A.
Hussey, T.
James, Sir W. C.
Johnson, Gen.
Jolliffe, Sir W. G. H.
Langstone, J. H.
McGeachy, F. A.
Maclean, D.
Manners, Lord J.
Miles, P. W. S.
Mundy, E. M.
Muntz, G. F.
O'Brien, A. S.
O'Connell, M. J.
Pechell, Capt.
Wakley, T.
Williams, W.
Wortley, hn. J. S.

TELLERS.

Sibthorp, Col.
Borthwick, P.

[It seems sufficient to give the names on the last division only, and we therefore omit those on the two divisions for amending the Clause.]

Clause agreed to.

Clauses to the 34th agreed to. House resumed.

Committee to sit again the next day.

ACTIONS FOR GAMING DISCONTINUANCE (No. 2)]. On the Motion that the Actions for Gaming Discontinuance Bill (No. 2), be read a third time,

Viscount *Palmerston* was anxious to say a few words with respect to the use made, in reference to this Bill, of a knowledge of what had passed elsewhere. He did not think that blame attached to any one for this; but, if blame was due, he held himself entirely responsible. When the Committee met, it desired him to place himself in communication with the Chairman of the Committee of the House of Lords, in order that by private communication they might have a general knowledge each of what was doing in the other Committee, with a view to assist the inquiry. Those communications were accepted on the part of the noble Duke, the Chairman of the other Committee. They were frequent and repeated, and on one occasion especially, it would be remembered by the Members of the Commons' Committee, that a table of decisions was communicated to them, which was of great use to them in one part of the inquiry. The day before yesterday, in the morning, in pursuance and as a continuation of the same communications, he was put in possession of what had passed in the examination of a witness before the other Committee. He came down to the House with a record of that knowledge in his possession; it was not given to him under a pledge of secrecy, and he did not feel himself otherwise than at liberty to make what use of it he thought proper. He communicated it first to the hon. Member for Manchester, the hon. Member for Weymouth, and the hon. Member for Finsbury; after he had made that communication which he thought it right to make, inasmuch as the facts so communicated bore on the question they were about to discuss, the noble Lord the Member for Lynn (Lord G. Bentinck) came to him and asked whether he had any objection to make the same communication to him he had already made to his hon. Friends. He thought in fairness he could not refuse to do so, and it was by his communication that the noble Lord and other Gentlemen on that side of the House were put in possession of the knowledge they made use of. He did not think that any one in that House or elsewhere could justly complain of the course he had pursued; but, if any error had been committed, he was sorry for it, and he only was to blame.

Bill read a third time, and passed.

Criminal Justice (Middlesex).] Sir *J. Graham* said, the Bill which he begged leave to introduce, was for the better administration of Criminal Justice in Middlesex. The effect of this measure would be to give the Middlesex magistrates jurisdiction throughout Westminter, and a control over the Bridewell, as well as the Middlesex Prison. It proposed also, that the adjourned Quarter Sessions should be held at least twice every month in Middlesex, the effect of which would be that every fortnight there would be a gaol delivery in Middlesex. When the necessary arrangements should be made, and a prison provided, it would be the duty of the metropolitan magistrates to commit for trial to the Middlesex Prison generally, except for heinous offences. The effect of this delivery would be to relieve Newgate from its present crowded condition, to diminish the expenses of the city of London and the costs of the county of Middlesex, and to confer incalculable benefit by more frequent gaol deliveries. He should not have felt himself justified in recommending this change, unless he had made provision for a competent judge to preside at these Sessions. A measure similar to this had been contemplated by his predecessor, but a difficulty had arisen as to the appointment of a chairman, his predecessor thinking it improper to call upon the public to pay the salary of the Chairman, if he was to be elected by the Middlesex Magistrates, instead of being nominated by the Crown. The Middlesex magistrates had, however, now consented to leave the appointment of the Chairman to the Crown if the public would consent to pay his salary. He would not then trouble the House with any further details of the measure; he had brought forward the measure as soon as its details could be satisfactorily adjusted, and he was anxious that the Bill should pass without delay.

Mr. *Hawes* did not doubt that the measure was a valuable one in a public point of view. He could, however, have wished that the right hon. Baronet had also looked to the Surrey side of the water, where there was an enormous gaol delivery. A similar provision for that portion of the county of Surrey would have been most valuable, and the whole jurisdiction of the Central Criminal Court would have been brought into something like uniformity. He could have wished also, when this Bill was under the consideration of the right hon. Gentleman, that he would have considered what were the claims of those who administered justice in the Central Criminal Court. He thought the learned Solicitor General would concur with him in thinking that the system of the Central Criminal Court might have been reviewed. He could not recognize the justice of providing for Middlesex the great advantage of a Judge to be appointed by the Crown, and to be paid by the Crown, without extending similar privileges to the county of Surrey; and if the Bill should be found to work well in Middlesex, he hoped the county of Surrey would be considered in a future Session.

Leave given. Bill brought in and read a first time.

House adjourned at one o'clock.

HOUSE OF COMMONS,

Saturday, July 13, 1844.

Minutes.] Bills. *Public.*—3°· and passed:—Law Courts (Ireland)

Petitions Presented. By Lord Granville Somerset, from Monmouthshire, in favour of Lime Toll Exemption Bill.—By Sir J. Graham, from Rev. L. F. Page, and Mr. Long, from Westbury, for Alteration of Poor Law.—By Mr. Entwistle, from Warrington Union, for the same.—By Mr. Hope Johnstone, from Annan, for Ameliorating Condition of Schoolmasters (Scotland).

POOR LAW.] Sir *J. Graham* moved the Order of the Day for a Committee on the Poor Law Amendment Bill.

Mr. *Hawes* objected to the course pursued by Government in arranging the public business for that day. He thought that when there was a specific meeting appointed for the discussion of a specific subject, that discussion should be commenced at once.

Mr. *Wakley* had also to complain of the arrangements made by Government in the conducting the business of the public in that House. It was too bad that four hours of Saturday should be devoted to Government business after they had deprived the Members of the House of one of their Motion nights. He complained, that while every other measure was repeatedly discussed, a Bill the most important in its effects upon the whole kingdom, affecting as it did the interests of the largest class in it, had not been permitted the proper time for consideration. Such a mode of doing business could neither be satisfactory to the House nor to the public. He wished at present, if he could do so regularly, to direct the attention of the House to the 11th Clause in the Bill as affecting parish apprentices. Those who felt any interest in the condition of those apprentices were of opinion, that the power conferred by that Clause on the Poor Law Commissioners was not sufficient for their protection. Some of the children were bound at the age of nine, and were kept so till they were twenty-one years old, and he had heard, with a degree of astonishment which he could not express, that in some parishes the children were never visited by the parochial authorities, being left to the tender mercies of their masters and mistresses for a period of twelve years without inspection.

Sir *J. Graham* was sure that the House and the hon. Member for Finsbury would do him the justice to believe that he always endeavoured to consult the convenience and wishes of hon. Gentlemen so far as he possibly could. The House would bear in mind that before Easter it was necessary to dispose of the Estimates in the Committee of Supply. Since then very important measures, such as the Bank Charter Bill, and others of primary consequence, had been very fully discussed both on the principle and on the details; and there was another measure connected with the interests of a branch of the working classes which had occupied for a long time the attention of the House. He could truly say, that he devoted the whole of his time to the public service, and he was always to be found in his seat during the despatch of business. He could say the same of his Colleagues, also, not one of whom was absent from the House while public business was going on.

Order of the Day read.

House in Committee.

Upon Clause 35, making it lawful for the Commissioners to declare parishes or unions combined, a school district,

Colonel *Wood* complained, that as the Clause would only subject parishes to additional expense without securing any lasting advantage, the various union workhouses over the country ought each to contain a good school for the education of the children; and, if this were not so, then the Commissioners were responsible. Parishes had already been called upon to expend large sums on schools, and now they were to be called upon to form district schools; and what, he would ask, would be the description of children who would be placed in them? The poor would not permit their children to be removed to them, and those schools would therefore be left entirely to orphans and deserted children. He objected to the concentration of the children in this manner, and maintained that there was a distinction between such a system and that of the school at Norwood, or the military school. It was far preferable that children should be placed at schools where they would not be removed from parental restraint. Upon these grounds he trusted that the right hon Baronet would not press the matter at present, but postpone it till next year, so that hon. Members might consider the advantages of the proposed plan, and be enabled to ascertain that proper and efficient schools were not at present in existence in the union workhouses.

Mr. *Cowper* hoped that the right hon. Baronet would persevere in supporting the Clause, because he conceived that it was impossible to have good schools unless they were large ones. Upon that point the success of the experiment at Norwood had removed all doubt. The only defect in the Clause arose from the want of provision for adequate inspection, and he hoped that that defect would be removed. He would suggest that Government inspectors should visit the district schools at stated intervals, and make a report, to be placed upon the Table of the House, in order that they might have some security as to the efficiency with which these schools were conducted. He believed that the gallant Colonel would not find a single good workhouse school in the country; at least, for one good one, 100 were bad; and, in some of them, it used to be the practice to tie up the under jaw of the young children, and then to administer punishment to them. The poor-rates of one parish could rarely supply the funds for supporting a schoolmaster properly qualified, and having a district school enabled the different unions to employ a good teacher. During the last year about 500 refractory paupers had been imprisoned in the Coldbath-fields House of Correction, and of all the persons so imprisoned the Governor had declared that the female paupers who came from the workhouses were the most incorrigible. The Justices appointed to visit the Houses of Correction of the county of Middlesex, in their Report—

> "Express their regret that they should have to remark on the increasing number of women and girls who are sentenced to short imprisonments, for irregularities and refractory conduct in the workhouses of some of the populous parishes in this county, some of whom have been sent to prison ten, eleven, twelve, thirteen, and even fourteen times, who seem to be utterly destitute and untaught, and whose conduct in the prison is indecent, violent, insubordinate, and outrageous in an unparalleled degree; whilst their circumstances and prospects after their discharge are lamentably desperate. To their augmenting numbers and distressful culpability and situation the visiting Justices entreat the special attention of parochial officers."

In his opinion, it was most cruel that children should be sent into the workhouses, and there left destitute of everything which was needful for a child's instruction. The effect of this was a spirit of insubordination which prevented these poor creatures after leaving the workhouse and entering service from ever retaining their places for any length of time.

Sir *J. Graham* said, a portion of the Clause, was a provision for the restriction of district schools to a diameter of fifteen miles. That limit he thought was sufficiently narrow to allow the parents and relations of children placed at these schools to visit them upon Sundays and other holidays. As to the question of postponement raised by the hon. Member for Brecon, it would be remembered that on an average thirty was the greatest number of children placed at workhouse schools, and that in practice the teachers were paupers. He could not see any thing inconsistent with the spirit of toleration or adverse to a good and practical education in these Clauses, and he hoped that they would not be postponed.

Mr. *Wakley* was glad to hear the determination of the right hon. Baronet. From some fatality, or from the clashing of different interests, it appeared impossible to settle in that House the question of education for the poor, and the consequence was, that the poor of this country were the most ignorant upon the face of the earth. They were a right feeling and a right thinking people, but they had not the materials for thought. If the people had been properly educated, would they have the incendiary fires which they now had in Norfolk and Suffolk? When he used the word "education" he did not mean that it should be taken in its usual sense, for it was a well-known fact that many of the most learned men were the most stupid men on the face of the earth. They ought not to judge meanly of education; however, because they found that learned men educated at the Universities were often the dullest men in existence. The House often heard the term "hon. and learned Gentleman," and nothing could be more ridiculous than to see the way in which that term was sometimes applied. What he meant by the term "education" was the practical and useful accomplishments which would make the children of the poor useful members of society. He was opposed to the principle of centralization, but as it was the opinion of the House that that system should be retained, the Government should render it as useful as possible to the country, and in no respect could that be more useful than in superintending the education of the children of the poor, who had no friends or relations to protect them. The House would be surprised to hear that in the county of Middlesex, the metropolitan county of England, half of the informants of deaths at the Registrar General's office could not write, and that in the rural districts of the same county, ten out of twelve among those qualified to act as jurymen could not sign their names. Only a very short time ago, he knew a case of the master of a workhouse not being able either to read or write. He hoped that the Government would feel firmness to be one of the first qualifications of a good Ministry, and that they would persevere in supporting the Clause under discussion.

Mr. *Stuart Wortley* said, that under the limitation which had been attached to the Clause by the explanations of the right hon. Baronet, he saw no objection to the powers invested thereby in the Commissioners. He agreed with the hon. Member for Finsbury that no greater boon could be conferred upon the children of the poor than to facilitate the establishment of such district schools throughout the country. If the limitation explained by the right hon. Baronet had not been introduced he would have been very unwilling to have placed in the hands of the Poor Law Commissioners the power of marking out the extent of these district schools.

Mr. *Wodehouse* hoped that the right hon. Baronet would adhere to the course which he had announced, but he rose at present to take notice of the allusion which had been made to the fires in Norfolk. As the hon. Member for Finsbury had referred to the crime of incendiarism in Norfolk and Suffolk, he begged leave to remind the hon. Member that there were other parts of the country in which incendiarism was more common than among the people of those counties. In order, however, to let this be known, he trusted that the hon. Member would himself come down among them and give his opinion as to the crime of incendiarism, for there was none more competent to give an opinion on that subject than the hon. Member for Finsbury himself.

Sir *J. Graham* explained, that the principle of the Clause could be in practice applicable only to the metropolis, and other large cities where the people were gathered in masses, and that it could not be carried into effect in rural districts. He had endeavoured to word the Clause in such a way as to produce that result. If, however, it was thought not sufficiently precise or stringent, he would very willingly make any alteration that might be desirable in order to leave no doubt as to the intention of Parliament.

Colonel *Rushbrooke* said, that no county in England was better furnished with the means of education by national and parochial schools than that which he had the honour to represent, and, therefore, it was not just in the hon. Member for Finsbury to attribute the fires which had taken place in that county to the want of education. If inquiries were instituted, it would be found that incendiarism was not confined to that county.

Mr. *R. Palmer* did not think by any means that the system of the school at Norwood was one which ought to be carried out through the country. He was not certain that the degree of learning therein attained was necessary for the education of the people of this country or would conduce to their happiness. In a well-regulated parochial school every thing which was essential ought to be taught by a parochial schoolmaster and under the superintendence of the parish clergyman.

Mr. *Bankes* was not indisposed to see any practical system of education carried into effect, but he believed that that now proposed was not practical. The state of the poor in the rural districts was not quite so deplorable as the hon. Member for Finsbury had represented it; and he spoke from his own experience of the decrease in the number of juvenile offences in the county which he represented from the increased care with which their education was attended to.

Mr. *Hawes* was astonished to hear that the Clause was not to apply to the rural districts. No one who had taken the trouble to read the reports made by Commissioners of enquiry on the subject, or any other works throwing light upon the general condition of the manufacturing districts, could doubt for a moment that there was nothing more necessary for these districts than a good and cheap education for the poor; but on the other hand, his reading led him also to the conclusion that the rural districts stood as much in need of the schoolmaster as any other. It seemed to him to be matter of reproach and shame to the Government, that when all were admitting the importance of education, as the best source of order and obedience, they should step in and say that the Bill was to apply only to the poor of the most populous and crowded localities, and that where there was no opposition from Members representing the large towns, it was not to be extended to the rural districts. For what purpose this was done he knew not, but to stint the education of the lower orders in the rural districts appeared to him to be a cause of shame to Her Majesty's Government.

Sir *J. Graham* said, he was very anxious to exclude all unnecessary heat from this discussion; but he could not conceive on what ground the hon. Gentleman who had just sat down had thought fit to make an attack upon himself and the Government, namely, of shrinking from spreading education amongst any class of Her Majesty's subjects. The hon. Gentleman admitted, that it was a salutary principle that children should not be removed more than a moderate distance from their friends; and it was an inevitable consequence of that admission that the Clause could not be applied to the rural districts with due regard to the feelings of those concerned. When the hon. Member deliberately made a charge against the Government that they had framed this Clause for the purpose of giving to the population of this country a stinted measure of education he begged to tell the hon. Member that that was a charge which he could not substantiate with any regard either for truth or justice.

Mr. *Hawes* did not understand the right hon. Gentleman, who said, that he would not make a certain statement if he had any regard for truth. Did the right hon. Gentleman mean to say that he was in the habit of making statements without knowing that they were founded in truth?

Sir *J. Graham* intended to say, that if the hon. Gentleman meant to make a deliberate charge against himself or the Government, that they wished to restrict the education of the poor, he made a charge which he could not substantiate with regard either to truth or justice.

Mr. *Hawes* said, that the right hon. Gentleman had somewhat altered his words. The right hon. Gentleman now said that if he had made any such statement he was not able to substantiate it; but it so happened that he had used no such words, and therefore the right hon. Gentleman was himself making a statement which had no foundation in truth.

The *Chairman* was understood to say that the hon. Member having stated that he had not intended to make the imputation, the matter might be suffered to rest.

Sir *J. Graham* said, that he never designed to give personal offence to any Gentleman in that House, but the hon. Gentleman had unnecessarily used a taunt against the Government, which did not appear to him to be justified by anything which they had either said or done, and which was not founded in fact. If he had used the word "untruth," it was an expression somewhat stronger than the rules of the House permitted, and to those rules he was certainly bound to adhere.

Mr. *Hawes* said, no one had received more courtesy from the right hon. Gentleman than himself, and he was glad that he had now removed from his mind a painful impression.

Mr. *Darby* said, the sole question was whether the principle of this Clause was or was not applicable to the rural districts. He was certainly of opinion that it was not. He hoped that his hon. and gallant Friend would withdraw his opposition to the Clause. He could not admit that education was neglected in all unions. He knew several union schools in which the children were admirably well taught. The right hon. Gentleman the Secretary for the Home Department was possibly right in the course which he had adopted; and if it were attempted to apply the Clause to the rural districts it would be a failure.

Mr. *V. Smith* thought that in the rural districts such an education as was the object of this Clause was more needed than in the large towns. In the rural districts the education of the children was very much neglected. ["No, no."] He did not accuse any Gentleman of neglect in his own particular district; but he found the greatest difficulty in the parish in which he resided to promote education, and he met with every kind of obstruction. The interpretation which the right hon. Baronet put upon the Clause came upon him (Mr. V. Smith) by surprise. There was nothing in the Clause which could lead any one to think that the rural districts were to be excluded.

Sir *J. Graham* proposed the omission of certain words, and the introduction of an amendment in line 25, which would enable rural parishes to unite for the purpose of forming district schools.

Lord *J. Manners* objected to placing the schools for the poor under the authority of the Poor Law Commissioners. The hon. Member for Finsbury said that as long as they retained the Commissioners they ought to make the best use of them. But there ought to be some limit to that proposition. His principal objection to placing these schools under the control of the Commissioners was, because they had in the clergy of the country a proper, constituted, and consistent authority to which the education of the people ought to be entrusted. The effect of this Clause would be to spread over the whole country one general system of Dutch education, which would eradicate all those feelings of home and family affection, upon which the well being of the community mainly depended. The effect of this proposition would be to take the education of the people of this country out of the hands in which it had been vested by the old constitution of this country, and to place it in the hands of a body of lay Commissioners responsible only to the Council of Education, a body which he (Lord J. Manners) regarded with the greatest distrust. He also disapproved of those district schools, and the separation of children from their homes and their families. He trusted that the right hon. Gentleman would give up this Clause.

Sir *J. Graham* moved an Amendment at line 25 of the Clause, which would enable rural parishes not in union to unite for the purpose of forming district schools.

Mr. *M. Milnes* would not consent to such a system of education as the Bill would establish, neither would he leave the matter wholly in the hands of the clergy; for what had been the result of all the agitation, of all the zeal and all the energy which were evinced some time ago by the Church to promote education amongst the poor? Why the whole sum collected did not amount to half the salary paid to one out of any half dozen of the aristocracy of the country. If the Church did not do its duty by the poor with respect to education, it was the duty of the State to come in and supply the deficiency. The Legislature would not be justified in refusing to give all the education it could, because it had not the means of giving all that it would. He must, on these grounds, support the principle enunciated in the Bill.

Lord *Henniker* said, that the hon. Member for Finsbury (Mr. Wakley) had attributed the prevalence of incendiarism in Norfolk and Suffolk to the low state of education in those counties. There was, he maintained, no foundation for such a statement. Norfolk and Suffolk had been greatly improved of late years with respect to education, compared with what they formerly had been. As to incendiarism in those two counties, he must say that it had no more to do with the Poor Laws than it had with any hon. Member of that House.

Colonel *Sibthorp* said, he fully concurred with the noble Lord (Lord Henniker) in denying the correctness of the statement, that the low state of education in Norfolk and Suffolk was the cause of incendiarism in those counties. He would not trouble the Committee by any speculations as to what might or might not be the cause of incendiary fires; but this he would say, that one of the effective means of preventing them would be, to let the people be well-housed and well fed, in addition to being well-educated. This would be a much more efficient remedy than the plan proposed in the Bill of turning Assistant Poor Law Commissioners into itinerant tutors for the purpose of imparting secular education.

The Committee divided on the question, that the words proposed to be left out stand part of the Clause:—Ayes 26; Noes 103: Majority 77.

List of the AYES.

Aldam, W.
Bowring, Dr.
Brocklehurst, J.
Douglas, Sir H.
Duncombe, T.
Etwall, R.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Grosvenor, Lord R.
Hawes, B.
Knight, H. G.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Ogle, S. C. H.
Pechell, Capt.
Philips, G. R.
Protheroe, E.
Strutt, E.
Thornely, T.
Tufnell, H.
Wakley, T.
Walker, R.
Warburton, H.
Wrightson, W. B.

TELLERS.
Cowper, hon. W. F.
Smith, V.

List of the NOES.

Adderley, C. B.
Arkwright, G.
Bailey, J. jun.
Baillie, Col.
Bankes, G.
Baring, hon. W. B.
Barrington, Visct.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Bodkin, W. H.
Boldero, H. G.
Borthwick P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Bruce, Lord E.
Buck, L. W.
Burrell, Sir C. M.
Burroughes, H. N.
Cavendish, hon. C. H.
Charteris, hon. F.
Chelsea, Visct.
Christopher, R. A.
Chute, W. L. W.
Codrington, Sir W.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dawnay, E.
Dickinson, F. H.
Donglas, Sir C. E.
Douglas, J. D. S.
Duncombe, hon. A.
Eastnor, Visct.
Eliot Lord
Escott, B.
Ferrand, W. B.
Fitzmaurice, hon. W.
Forbes, W.
Forman, T. S.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.

Graham, rt. hn. Sir J.
Greenall, P.
Harcourt, G. G.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hussey, A.
Hussey, T.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Langston, J. H.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Long, W.
McGeachy, F. A.
McNeill, D.
Manners, Lord C. S.
Manners, Lord J.
Maxwell, hon. J. P.
Meynell, Capt.
Miles, P. W. S.
O'Brien, A. S.
Palmer, R.
Patten, J. W.
Peel, J.
Pollington, Visct.
Praed, W. T.
Pringle, A.
Rashleigh, W.
Rolleston, Col.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sheppard, T.
Sibthorp, Col.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Sotherton, T. H. S.
Sutton, H. M.
Taylor, E.
Thornhill, G.
Waddington, H. S.
Walsh, Sir J. B.
Wawn, J. T.
Williams, W.
Wodehouse, E.
Wood, Col.
Wortley, hon. J. S.
Yorke, hon. E. T.

TELLERS.

Young, J.
Baring, H.

Mr. *Borthwick* objected to the whole Clause as it now stood. Centralization had been found very offensive when applied to the relief of the poor; but it would be found much more so when applied to their education. The principle on which it was based would, if carried out, sap the foundations of the parochial system throughout the country, and in a short time be fatal to it. For these reasons he would move the rejection of the Clause. The real question which the Committee had to decide was, whether it was probable that the effect of this system would be such as they all earnestly desired it should be. He did not think it would. In his opinion there ought to be a schoolmaster in every parish. When they looked at the state of education in England, it was astonishing to reflect upon the moral condition of the people. We offered them nothing like the educational advantages afforded to those who lived under the sway of Continental governments. Our Church should take the matter in hand. Much would be done if her pastors were only to make it a rule to catechise the children every Sunday in their different churches. But this was a subject which he might pursue to too great a length, and he would, therefore, at once conclude by moving, as he had intimated his intention of doing, "that the Clause be expunged."

Mr. *Henley* considered that the Church of England ought to be at the head of the national educational institutions of the country. This was the first time, he believed, that it had ever been sought to establish a national system with which the Church had nothing to do, and he would not give his sanction to the establishment of a principle which seemed to him to be so objectionable.

Sir *J. Graham* denied that this Clause propounded any new principle. He intended to suggest a deviation from the present wording of the 38th Clause, which would, he hoped, more forcibly carry out the intentions of the framers of the Bill. As the law at present stood the guardians of the different unions were at liberty to appoint chaplains to preside over the schools. He had always contemplated that that permission would have been very generally taken advantage of. There appeared, however, to have been some doubt upon the subject, and his object now was to introduce a provision into the 38th Clause which would render it imperative upon guardians to make such appointments. The words of his Amendment would run thus:—

> "That every district board acting for each such educational district, shall appoint, with the consent of the Bishop of the diocese, at least one chaplain, being a clergyman of the Established Church, as a salaried officer, to superintend the education of the children in such school."

The House divided on the question, that the Clause stand part of the Bill:—Ayes 107; Noes 1: Majority 106.

List of the NOES.

Manners, Lord J.

TELLERS

Borthwick, P.
Ferrand, W. B.

House resumed.

On the Motion that the Committee have leave to sit again on Monday at twelve,

Mr. *Wakley* rose and spoke as follows: I have been a Member of this House for nine years, and during that time I do not recollect that any hon. Member has had occasion to complain of any personal remarks made by me upon him. My object has always been to confine myself to the question before the House, and never to utter a single word that should give any individual offence. I cannot say that the same conduct has always been extended to me. On one occasion, only, however, have I complained to the House. But when hon. Gentlemen permit themselves to descend, in the course of discussions on public affairs, to refer to the private life of other hon. Members, and to cast imputations upon them in those relations, that in a course so contrary to the honour and dignity of the House being pursued, it becomes the duty of the Member so referred to, to require an explanation in the presence of the House. Sir, it occurred to me in the course of the discussion in Committee on this Bill, to make some observations on the state of education in Norfolk and Suffolk—did not I also (added the hon. Gentleman, turning round to the hon. Member sitting on the bench beside him) allude to Middlesex? For I had no intention to make any invidious distinctions in the matter; I had no intention in the remarks I made to suggest any reflections upon any individual whatever. Sir, I have had during my life some difficulties to contend with. I came to this town unknowing and unknown. I fought my own battle, not always an easy one; and I have a family of children—sons. The remarks which the hon. Member for Norfolk used at the conclusion of his speech were these—I am certain of them for I took them down at the time:—"No one is more capable of giving an opinion on the subject of incendiarism than the hon. Member for Finsbury himself." Now, Sir, it seems too horrible to suppose such a thing, as that the hon. Member intended these words to apply personally to me; that any hon. Member in this House, without being provoked by any remark of mine, should apply such remarks to me. I know, Sir, that every man who has been engaged in the work of reform, as I have been, must be prepared for attacks on his public character. But I was not prepared to expect an unfair attack on my private character in this House. Sir, I never fought a battle unfairly in my life. Sir, there is not an act of my life, from the first moment of my existence, that I would not court inquiry into. And if any Gentleman desires to go into such an inquiry, I will give him every facility in my power for pursuing the inquiry in the most minute manner. Sir, these observations were applied to me publicly in this House; and if I did not dare to ask for an explanation of their meaning, and to court investigation of their truth, I should not dare to enter within these walls again. I could not again presume to face this body of hon. Gentlemen. Sir, I am therefore quite ready to go into an inquiry into the matter to which it is possible the words of the hon. Member may refer. I have nothing to fear from inquiry; but I have everything to fear from insinuation, when insinuation is made the vehicle of the foulest calumny that was ever cast upon the character of any man. At all events, there is but one proper mode in which I should deal with this matter. I do not pretend to make this matter the subject for private quarrel or dispute with the hon. Member, for I have nothing to fear from publicity. I think I have a right to ask the hon. Member what meaning he attached to the words I have read to the House, as applied to me; and before I call upon him to do so I will state to the House the circumstances to which I believe they were intended to refer. Sir, it happened that I had the misfortune once to have my house burned. I brought an action against the insurance company in which I was insured, for the loss. They resisted that action; it went to trial, and the result of that trial was, that every farthing which I went against the company for was given me by the jury. The present Lord Denman was my counsel; Lord Tenterden was the Judge who tried the case; and after the trial one of the jurymen, who was himself a proprietor in the office, joined with some of my friends who had taken up the matter, and they subscribed the money to pay my expenses as between attorney and client. Sir, these are facts recorded in the papers of the day. Sir, I suffered very much then; and I have since suffered much from aspersions which have been cast upon me in reference to this case. I have been most shamefully and cruelly used; and I trust that the House will not think that under the circumstances I have unnecessarily trespassed upon its time in calling its attention to this matter. I have made this appeal with the greatest possible pain—with the greatest possible reluctance—as you may readily suppose. I believe I mentioned that every farthing was recovered from the office and was paid. I throw myself, therefore, not on the humane consideration of the House, but upon its sense of justice, and I ask the hon. Member to state the meaning of the words he used, and which he applied to me, and I call upon him further, for my sake, if he knows anything of a reproachful nature against my character—if from any source or channel whatever he has heard anything injurious to me—I call upon him not to shrink from declaring it, but on the contrary to state it to the House without the slighest reservation.

Mr. *Wodehouse* immediately rose and said—I rejoice, Sir, that I have afforded the hon. Gentleman an opportunity of giving a distinct explanation upon the matter he has alluded to—a subject which I think has already remained too long in doubt. I have no hesitation in saying that I did refer to the transaction upon which the hon. Gentleman has given this explanation. After that explanation I must say that I feel it to be my duty, as a gentleman, to tender him an apology on those grounds, and upon those grounds alone. I understand the hon. Gentleman to say, that there was no fact connected with this transaction which has not been brought to a satisfactory conclusion. Sir, I tender him my apology on those grounds, and those grounds alone; but I must now be permitted to say that the hon. Gentleman himself, and those with whom he acts, and those who take a similar course with him, are too lavish in accusing landlords of selfishness, and I take this opportunity of declaring that these accusations are such that we are not able to bear them any longer. I do not know whether I am called upon to make any further remark, or any further apology to the hon. Member, and I trust that the House is satisfied with what I have stated.

Committee to sit again. House adjourned at a quarter past five o'clock.

HOUSE OF LORDS,

Monday, July 15, 1844.

MINUTES.] BILLS. *Public.* — $1^{a.}$ Butter and Cheese; Actions for Gaming Discontinuance; Assessed Taxes Compositions, etc.; Detached Parts of Counties; Law Courts (Ireland).

$2^{a.}$ Customs Duties (Isle of Man).

Reported.—Three-and-a-Half per Cents. Exemption; Vagrants Removal; Prisons (Scotland); Turnpike Acts Continuance.

$3^{a.}$ and passed: — Bank of England Charter; County Rates; Militia Ballots Suspension; Stock in Trade; Charitable Loan Societies (Ireland); Turnpike Acts Continuance.

Private.—$1^{a.}$ London and Croydon Railway; Bishop of Down, Connor, and Dromore's Estate.

Reported. — Werrington, etc. Curacy, or Hele's Estate (Marchioness of Lothian's); Leeds Vicarage (Dr. Hook's); Market Harborough and Coventry Road.

$3^{a.}$ and passed:—Coventry Improvement and Cemetery; Southampton Improvement; Birkenhead Docks.

PETITIONS PRESENTED. By Earl of Roden, from Edinburgh, and 2 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Cashel, and 3 other places, for the Extension of Scriptural Education in Ireland.—By the Duke of Richmond, Bishop of London, Earls of Roden, Galloway, and Mountcashel, and Lords Kenyon, and Lyttleton, from Scarva, and an immense number of other places, against, and by the Bishop of Norwich, the Lord Chancellor, Marquess of Normanby, Earls Radnor, and Clarendon, and Lords Redesdale, Cottenham, Brougham, Teynham, and Melbourne, from Framlingham, and a great number of other places, in favour of the Dissenters Chapels Bill. —From Dundee, respecting the Sanatory Condition of the People.—From Lincoln, and other places, respecting the Bank of England Charter Bill.—From Jedburgh, and Edinburgh, for Alteration of certain Clauses, and from Inverness, for the Insertion of a Clause in the Prisons (Scotland) Bill.

MR. MAZZINI.] The Earl of *Radnor* said, their Lordships would recollect that on Tuesday last he had presented a petition from Mr. Joseph Mazzini, in which the petitioner averred that he understood that statements highly injurious to his character had been disseminated, and as he was apprehensive that similar statements might be made before the Secret Committee appointed to examine into the Opening and Detaining of Letters at the Post Office, he prayed their Lordships that he might have a full opportunity of being heard, to refute any charges that might be alleged against him, either before the Committee, or in such other manner as their Lordships might deem proper. It was his opinion that that petition should be referred to the Secret Committee. But, as some objection was made at the time, he had deferred his Motion, and he should now move that the petition be so referred. He should make no further observation now; but if the noble Duke opposed the Motion, he should reserve to himself the right of stating his opinions at length.

The Duke of *Wellington* said, the Motion of the noble Earl was—

> "That this Petition be referred to the Secret Committee appointed to inquire into matters concerning certain proceedings in the Post Office."

He could not see what the matters alleged in the petition had to do with the subject into which the Committee was to inquire. The Committee was specifically appointed—

> "To inquire into the state of the Law in respect to the Detaining and Opening of Letters at the General Post Office, and into the Mode under which the authority given for such Detaining and Opening has been exercised, and to report their opinion and observations thereupon to the House."

Now, it did not appear how it was possible, under this order or form of inquiry relative to the state of the law, that this gentleman's character could be affected. He complained in his former petition to this House that his letters had been opened; and a Secret Committee was appointed to inquire into the law under which that power was exercised. But he never heard that any reference was made to this Gentleman's individual character, or to the character of any other individual; and, whether his character had been affected or not, it was not for a Committee of that House, sitting for another purpose, to clear it. Under these circumstances, it appeared to him that this Motion was premature. It would be proper to wait till the Committee had made their Report. That would be the time, if this Gentleman's character were affected in any way by the Report, to call for an opportunity of explaining and justifying his conduct.

The Earl of *Radnor* said, it was very true, that under the Order for the Committee, no reference was made to matters of this nature, but it was equally true that there was nothing in the Order to exclude them. It should be observed, that the whole of this investigation originated in a petition which he presented a fortnight ago from Mr. Mazzini, and which was referred to the Committee. He fully admitted, that it was not the mere grievance of Mr. Mazzini, or of anybody else, that ought to be brought before the Committee. It was a general question—a question of the utmost public importance. But still it was very natural for Mr. Mazzini to feel the reports which had been, to his (the Earl of Radnor's) certain knowledge, circulated against him, and to be most anxious to meet and to repel them. In his opinion, under all the circumstances, nothing could be more fair than to refer the petition to the Committee.

The Duke of *Wellington* repeated his observation, that the petition was premature. The subject to which it related had nothing to do with the matter into which the Committee was appointed to inquire.

The Earl of *Radnor* then withdrew his Motion.

Judicial Committee of the Privy Council—Explanation.] Lord *Brougham*, on presenting some petitions, took the opportunity of calling the attention of the House to a published statement of which he had reason to complain. The statement was to the effect that "Lord Brougham had been compelled to give up, though he did so with a bad grace, his pet scheme of a new judgeship, as also the objectionable Clauses in the Bill relating to the new jurisdiction in reference to divorce, which latter he had given up in obedience to the Lord Chancellor; and that, after having given up his chances of the judgeship, he (Lord Brougham) seemed to take no longer any interest in the measure, which he had fairly deserted, the objectionable Clauses being expunged, while he was away from the House, by the Lord Chancellor." He had never read a more scandalous and unjustifiable statement, especially after the explanations he had given a week before. It was known that before quitting his place he had requested his noble and learned Friend to expunge the Clauses referred to, as he had been requested by a right rev. Prelate to postpone them for fuller consideration; but, so far from giving them up, he had expressly stated to the noble and learned Lord on the Woolsack, that he thought a more satisfactory measure would probably be the result of delay, inasmuch as the delay would end in taking away the power of divorce *a mensa et thoro* also from Doctors' Commons. As to the reason imputed to him for giving up the Clauses, namely, because he was not to have the Judgeship, nothing could be more scandalous, false, and audacious; for he had explained in his place before giving up the Bill, that he never had a thought of being a candidate for the Judgeship. This he had stated in the House a week before this most scandalous and audacious libel appeared.

The *Lord Chancellor* confirmed the noble and learned Lord's statement respecting the withdrawal of the Clauses, and said, that the noble and learned Lord had declared in the House that he would not accept the judgeship.

Birkenhead Docks Bill.] On the Motion of the Earl of *Stradbroke*, this Bill was read a third time.

The Marquess of *Salisbury* felt it necessary to state, that in this case gross fraud, almost amounting to perjury, had been committed by the supporters of the Bill. There had been already a Liverpool Dock Bill passed, so that no inconvenience would result from the rejection of this measure. The complaint he had to make was, in substance, that whereas it had been agreed on between the agents for the Bill, and for an opposing body (the shipowners of Liverpool) to insert certain Clauses, these Clauses had been materially altered without the knowledge of that body, who only became acquainted with the fact through accident, when it was alleged by the agents for the Bill upon oath, that they had known of it, and that the Admiralty had compelled the alteration of the Clauses, the former of which statements was declared false by the agents for the shipowners and the other allegations was equally denied by the Admiralty.

The Earl of *Haddington:* We heard nothing of the Bill.

The Marquess of *Salisbury* then proceeded to propose that a Clause be inserted, securing to the shipowners what had been originally agreed upon. The coasting trade, the only other interest affected, would not (he could state) oppose the Clause; but, even should it lead to the entire defeat of the Bill, it would be only a just punishment on its supporters for the deceptive course they had adopted.

Lord *Brougham,* in the name of justice itself, protested against the accusation of perjury, so cruelly urged against a professional man in a place where he could not be heard.

The Marquess of *Salisbury*: I said, " almost perjury."

Lord *Brougham* would rather meet the heavier charge then. The facts alleged only amounted to this—that what the agent for the Bill had stated, had been contradicted by another witness on one point; and who could venture to say which of them spoke the truth? As to the answer of the Admiralty, why, it confirmed the statement of the agent for the Bill, which was only that " the Admiralty had not objected to the Bill," as how could they, if they had not heard of it? Now, he knew nothing of the merits of the subject. All he knew was, that the gentleman accused had been introduced to him that morning by Mr. Wilberforce, who knew him well, as a man of high character: and he certainly should not thus be attacked without any greater ground than had been stated by a noble Marquess evidently inflamed with zeal on the opposite side.

The Earl of *Wicklow* said, the agent for the Bill had written that the Admiralty had " insisted" on the insertion of the Clauses as they stood. Was not that statement utterly falsified by the answer of the Admiralty, that they had not heard at all of the Bill?

Lord *Monteagle* said, the Bill was in itself an important one, and deserved the best attention of the House. The Committee had heard counsel upon all the Clauses of the Bill, and had given their opinion upon it. The object of the measure was to extend the dock monopoly of Liverpool, for the benefit of the county generally, and especially of the trade with Ireland. If the large revenues of the Liverpool monopoly were applied to defeat this Bill, they would be abused. It was a question of a public grievance. The Clause complained of, was not a Clause drawn up by the promoters of the Bill for their own advantage, but had been recommended by the Admiralty.

The Earl of *Haddington* agreed with the noble Lord in respect to the importance of the Bill, which, in the opinion of the Admiralty, was a good and useful Bill. It was the duty of the Admiralty, when such a Bill was brought before Parliament, to see that the shores and coasts were not interfered with, and that the navigation should not be injured; and he believed that the navigation of the Mersey would not be injured by it. He had looked at all the Clauses of the Bill in respect to the coasting trade. If the seven days had been part of the Clause the Admiralty, as far as he knew, would not have objected to it. He thought that the gentleman alluded to had been borne rather hard upon; but, except so far as concerned the public interests, the Admiralty had had nothing to do with the matter.

The Marquess of *Lansdowne* said, although he could not withhold that confidence which the House always placed in their Committees from the Committee in this case, yet it was a Bill of such importance, affecting the public interests, that their Lordships ought to endeavour to form a judgment for themselves; and, having inquired into the case, he gave his hearty concurrence in the decision of the Committee. It appeared to him, that no interest, and certainly not the coasting trade, was affected by any alteration made in the Bill; the trade was not only not injured, but was advanced and improved by it. He should vote for the Bill as it stood.

The Earl of *Stradbroke* complained of the remarks which had been made by the noble Marquess upon a Gentleman who was not present to defend himself, and which were not borne out by the documents, if fairly read.

The Marquess of *Salisbury* vindicated his construction of the document. He was ready to go into evidence at the Bar, but he would not persevere against the opinion of their Lordships.

The question was then put and carried in the affirmative, and the Bill passed.

DISSENTERS CHAPELS BILL.] The Order of the Day being read,

The *Lord Chancellor* rose to move the consideration of the Amendments made by the Commons to the Bill, and said that, in performing the duty which he had to discharge on that occasion it would be necessary for him to occupy but a very few minutes of their Lordships' time; indeed, under ordinary circumstances, he should merely have mentioned what the Amendments were which had been made by the other House, and prayed their Lordships' concurrence in them; but in consequence of certain intimations which had been thrown out in different quarters, and of what had passed in that House on a former night, and the intimation given by a noble Lord, for whom he entertained the greatest respect, he felt it his duty to call their Lordships' attention to the progress of the Bill, and the position in which it actually stood at present. When the Bill was submitted to their Lordships for a second reading, it met with a warm and active opposition from his right rev. Friend the Metropolitan, and also from another right rev. Prelate, whose opposition however, was founded upon what he conceived to be a misapprehension of the law relating to Charitable Trusts, which misapprehension was exposed, replied to, and satisfactorily answered by his noble and learned Friend near him. The consequence of this was, that their Lordships agreed to the second reading without a division, those noble Lords and right rev. Prelates who had opposed the Bill by their speeches, not venturing to divide the House, because he presumed they were of opinion that if they had taken that course it would have shown, in a marked manner, that their Lordships approved of the principle of the Bill. Afterwards, in its progress through its subsequent stages, the Bill met with no further opposition, and it was passed with unanimity, and went down to the other House, carrying with it the entire concurrence of their Lordships. Some noble Lords observed that there had been a division on the third reading—then the case was still stronger than he had supposed it to be, because on the third reading there had been a division which showed the strong opinion of a great majority of their Lordships in favour of the justice and policy of the measure. The Bill then went down to the other House of Parliament, where, according to report, it was actively opposed; but upon the second reading, when a division took place, the opinion of that House, which was the opinion of the people, was marked in the strongest manner by a division, showing a majority in the proportion of three to one in its favour. The opponents of the measure, however, were not discomfited. They again rallied on two successive occasions, when the House again divided, and on both occasions, in the same marked manner, a majority declared in favour of the principle of the measure. Such was the history of the progress of the Bill through both Houses of Parliament. The House of Commons, however, when the Bill went into Committee, had thought it right to make certain Amendments, which had since come up to their Lordships' House for consideration, and to which it was his duty presently to call their attention. Now, in what position did the matter stand? Their Lordships had declared, in a marked and emphatic manner, their approbation of the principle of the Bill; that principle and that opinion had been re-echoed in a decisive manner by the other House; and now the only question, he apprehended, was, both Houses having approved of the principle of the Bill, whether their Lordships were of opinion that the measure was a better one in its original shape, as approved of by them, or whether they would adopt the Amendments, or some of them, which had been made by the Commons. There could be no other question for their consideration, to that point alone they must direct their attention. Was the Bill better calculated to accomplish the object to which it was directed in its original shape, or had it been improved by the Amendments made in it by the other House of Parliament? If their Lordships thought the Bill was better in the shape in which they originally passed it, than in the shape in which it was returned to them, they would disagree to the Amendments, and call for a conference with the other House. If, on the other hand, they approved of the Amendments, they would adopt them, and in that shape the Bill would become law. The question, therefore, he apprehended, for their Lordships' consideration was, what was the nature and character of those Amendments, and did they, or did they not, improve the Bill? But he had ununderstood that a very extraordinary course, was now intended to be pursued [" Order, order."]—He was not speaking from mere surmise or conjecture; for the noble Lord to whom he referred just now, and for whose opinion and character he entertained a most profound respect, had told their Lordships that he intended to move that the Amendments of the Commons be taken into consideration that day three months. The effect of such a Motion as that which he had alluded to would be, that their Lordships should not at all consider the Amendments of the Commons, that, whereas the principle of the Bill had been agreed upon by both Houses of Parliament, their Lordships would pass the slight upon the Commons House of saying that the alterations they made in the Bill should not be taken into consideration. There might be cases in which it would be proper for their Lordships to take such a course, as, for instance, in case a Bill went down from their Lordships to the Commons, and the Commons, although they acceded to the principle of the Bill, yet made an alteration in it which would interfere with their Lordships' privileges—then perhaps it would be a proper course to take not to consider their Amendments. There was still another case in which such a course might be adopted, namely, if a Bill were of a very complicated nature, and it was sent back from the Commons containing a great number of very complicated amendments, of a description which required great caution and great deliberation, and the period at which it was sent up to their Lordships was a period of the Session at which they could not possibly afford time to give the Amendments that deliberate consideration which they required, then, in such a case, it might be proper to adopt such a course; but he knew no other case in which such a mode of dealing with a Bill of this description could be justified, and he hoped that, after due deliberation and reflection, no noble Lord would adopt such a course, particularly as the Bill had been already discussed in both Houses. He thought that, under these circumstances, they ought not to declare that they would not take the Amendments of the Commons into their consideration. It was true that something like a reason was assigned by the noble Lord for the course which he proposed to take; but it was founded on the assumption of a fact which had no existence; the reason was, that something had passed on the third reading of the Bill, of which the noble Lord did not approve; but he had not shown to the House what it was which took place on the third reading, which ought to induce the House not to consider the Amendments made in the House of Commons. He believed, however, that the noble Lord alluded to the adoption of an Amendment by his noble and learned Friend near him (Lord Cottenham.) It was true his noble and learned Friend had, on the third reading, proposed an Amendment, but it was an Amendment in direct accordance with the principle of the Bill. He gave notice of that Amendment—he (the Lord Chancellor) had time to consider it, and he approved of it, after giving it a full consideration. On the third reading of the Bill, his noble and learned Friend stated the motive and the object of that Amendment, it was regularly put from the Woolsack, and it was agreed to by their Lordships without opposition. That was the whole history of the matter, and nothing could be more regular or fair than that transaction; it was upon this he understood the noble Lord to be about to found his extraordinary Motion. Having said thus much with respect to the mode of proceeding with the Bill before them, he would now call the attention of their Lordships to the Amendments which had been made in it by the other House of Parliament, and in doing so he feared he might have some difficulty in distinctly conveying to their Lordships the nature and character of the Amendments, as they had not the Bill before them. As the Bill was not in their hands, there would be some difficulty from the refined character of some of the Amendments, to describe them distinctly to their Lordships. The first Amendment to which he should direct their attention was suggested by the General Baptists. The principle of that class of Dissenters was adult baptism. In their trust deeds they inserted no other point of their creed but that; and if the wording of the second Clause had remained as sent down from their Lordships, it was feared that they would not fall within the protection of the Bill, in respect of their other religious opinions, in consequence of that peculiarity. In consequence of that they applied to Parliament in order to obtain the benefit of the protection which the Bill afforded to other Dissenters, and the alteration which was agreed to in order to place them in that position, was the first alteration made. The next alteration to which he should call their attention was introduced for the advantage of the Wesleyan Methodists. As the Bill stood originally, the words were " the mode of worship mentioned on the face of the deed;" but the Wesleyan Methodists said that those words would not apply to them, as they did not set forth any " mode " of worship on the face of the deeds, but " a mode of regulating " their worship, and that four volumes of Wesley's Sermons were referred to by them for that purpose, so that in order to extend the advantages of the Bill to them, the words in the Bill providing that the mode of worship should be set forth on the face of the deed were changed, and a provision was made to the effect, that the mode of worship should be either set forth on the face of the deed, or referred to in some other document or instrument. That was the alteration, and he was sure that both of them would receive the approbation of the House. The next alteration which had been made was in reference to the words in the Act describing meeting-houses to be affected by this Bill. In the Bill, as it stood before the alteration, the words were " such meeting-houses," but it was said that such words might leave the Bill open to a construction different from that which was contemplated, and the words were changed from " any such meeting-house " to " meeting-house for the worship of God," to give generality to the provisions of the Bill. Another alteration was with respect to the period of twenty-five years. It was said that no declaration had been made as to when the period of twenty-five years was to be dated from, and that therefore it would be impossible to say when the commencement of the period or its termination was to be ascertained; but that was altered, for it was now provided that the period should be twenty-five years previously to the commencement of the suit calling a title in question. Previously the Socinians, and Arians, and Unitarians, if the period of twenty-five years passed were afforded no opportunity or power of altering their opinions and becoming orthodox—they were afforded no *locus penitentiæ* in that respect; but that had also been altered. Another Amendment was as affecting right and title, by putting in the words " judgment and decree," in order to meet the case more fully, and the next was substituting " proceedings by information," as regarded suits affecting private concerns. Those were the principal Amendments. He considered some of them unnecessary, and some of them material and important; but they were all in the spirit of the Bill, and he advised their Lordships to adopt it, and not to reject these Amendments. It would be very inconvenient for a trivial change to send the measure back to the other House of Parliament, and raise a new discussion; and he would, therefore, advise their Lordships to adopt the Amendments and pass the Bill. After what he had said in the outset they would not expect him to make any remarks on the principle of the Bill. That principle had already been decided upon, and was not again raised by the Amendments before their Lordships: and he should think he was acting an improper part if he went out of the course which the very nature of the proceeding before them suggested. It had, however, been alleged, that those who had introduced this Bill had introduced it for the purpose of giving encouragement to Unitarians. Nothing could be more foreign to their intention. The Bill was meant to afford relief to the whole body of Dissenters—it might in that operation at one period affect the interests of one class, and at another period of a different class, but its intention was to relieve all classes, to prevent the occurrence of expensive litigation, and to apply to the Dissenting Church, if he might so express himself, the principle that was applied to property in other matters, and allow that property which was given to them to be disposed of, according to the wish of those who left it, for charitable purposes, instead of putting it into the pockets of lawyers. He regretted very much that the right rev. Prelates opposite were so warmly opposed to the Bill; he had, however, been consoled by the reflection that there were right rev. prelates who had supported this Bill with their votes and their opinions; and with respect to those who had been absent, he could not forbear stating that a right rev. Prelate of great learning and varied attainments, who came from the same university as himself, but from whom he differed in political opinions—a right rev. Prelate who not very long since had given so splendid an example of eloquence in that House—that right rev, prelate had manifested his attachment to this Bill by leaving his proxy in his (the Lord Chancellor's) hands. The chief opposition to the Bill, however, had proceeded, he was sorry to say, from the Dissenting body—from those who not so very long since complained of being made the victims of persecution—who had obtained from the Legislature all they could get, and now desired to withhold from their brethren that toleration which they had demanded and obtained for themselves. Some of their Lordships might remember a remarkable speech of a wise, eloquent, and philosophical statesman, Mr. Burke, that speech was delivered on an occasion like the present one—he did not dare to quote the whole of the eloquent passage to which he alluded, it was too warm for the temperament of that House; but he would repeat the last sentence—

> "If," said he, "instead of busying themselves in the depths of the Divine Counsels, they would turn to the mild moderation of the Gospel, they would there read their own condemnation—'O thou unworthy servant, did I not forgive thee, because thou desiredst me? Shouldst not thou have extended to thy fellow servant that which I have extended to thee?'"

He had said as much as he had felt that he ought to do. He had had great temptation to enter into the principle of the measure in consequence of the petitions on the Table, which explained the hardship that would be done to individuals if this measure was not passed; but he abstained, because he considered that he would be infringing upon the principle he had laid down if he took that excursive course, and he should therefore conclude with earnestly exhorting their Lordships to adopt these Amendments. The noble Lord then moved, to agree to the first Amendment made by the Commons to the Bill.

The Bishop of *London* could assure their Lordships that he felt all the difficulty and embarrassment of a person who rose to address their Lordships upon a question of so much importance, after the opinion which had been expressed by so grave an authority as his noble and learned Friend. He felt that difficulty considerably increased by the difficult situation in which he stood, because he readily admitted that the course which he intended to pursue, in compliance with the prayer of many petitions which he had lately had the honour of laying upon their Lordships' Table, was one which had not been usually pursued, except in cases of extreme urgency; nor should he have felt warranted in assuming an attitude of hostility to the measure had he not felt that the emergency which called him forth was of a most unusual character. He was no indiscriminate panegyrist of all the measures which their Lordships in their legislative wisdom might think fit to carry into a law, as being stamped with all the attributes of consummate wisdom; but an experience of twenty years had confirmed him in the opinion that it was not usual for their Lordships to pass a measure which contravened the plainest dictates and was opposed to the maxims of common sense. He wished to speak in the softest language of the measure before their Lordships, brought forward as it was by such high authority; but he ventured to say that the measure before their Lordships, which he trusted they would save themselves from the reproach of passing, was not founded on the maxims of reason and common sense. It set aside for the future those rules upon which all the Courts of Equity had hitherto interpreted the law of Charitable Trusts—all the rules which his noble and learned Friend had declared in one of the most luminous judgments ever delivered from the Chancery Bench to be drawn from the plainest maxims of justice and of common sense. He, therefore, felt justified in saying that a Bill which was in direct opposition to these rules was contrary to the principles of common sense; and he, therefore, felt justified in taking the course which he was about to pursue. He felt that any noble Lord was justified in such an emergency in having recourse to any proceeding which would defeat the final success of a measure which he believed to be injurious to the character of their Lordships' House, to the interests of the country, and still more to the interests of Eternal Truth. He admitted if that were not the case he should not be justified in taking that unusual course which his noble and learned Friend had denounced in such eloquent terms as would have made him, if he had not felt supported by the consciousness that he stood forth as a minister of the truth, desist from taking this course. He admitted that he was precluded by the usage of their Lordships' House, and indeed by the obvious nature of the case, from entering at large into the principle of the measure itself, which might be fairly considered as having been settled, so far as their Lordships were concerned, when the Bill was passed and sent down to the House of Commons. But if the Amendments made by the Commons were such as to considerably affect the principle of the Bill, it would be wholly impossible for him to do justice to the case he had taken in hand without making some passing allusion to the main principle of the Bill, and in this he should be justified by the example of his noble and learned Friend himself, who, towards the conclusion of his eloquent and forcible address, entered upon the principle of the Bill, and stated with great emphasis and perspicuity what the principle of the Bill was. He must say—and he hoped he might be permitted to say so without incurring the presumption of vanity—that the arguments which had been urged by himself and others on the second reading of the Bill had not, to this hour, or in any other place, received a satisfactory answer. He almost felt the impropriety of alluding to any former arguments which had been used by himself, but he must be allowed to notice one somewhat curious allusion which had been made to the speech which he had then addressed to their Lordships. It was reported, and he believed, correctly reported, that another Lord, whose character stood deservedly high in the estimation of their Lordships, was pleased to allude in complimentary terms to his (the Bishop of London's) arguments, and finished by saying the arguments were so strong that it was highly creditable to the House to pass the Bill in spite of them. He feared that many of their Lordships, judging from the reception which had been given to the announcement of the course which he intended to pursue, would consider his offer somewhat pertinacious. He admitted it was pertinacious; and he held that in such a case pertinacity became a virtue, and he felt himself justified in availing himself of all the forms which their Lordships' House would permit him to avail himself of, he would not say absolutely to defeat the measure, but to postpone the consideration of the question which it involved, the great interests which it touched—interests not merely pecuniary, but the interests of truth and justice—in order that their Lordships might have further time for inquiry and deliberation. It was not the least remarkable feature of this important measure, that touching as it did the established rules of law and equity, it was brought into their Lordships' House without any previous inquiry, that it was not known at the time that there was any suit pending. No Select Committee had been appointed to inquire into the real nature of the evil which it was intended to remedy, and of the remedy which ought to be applied. The Bill was carried to the House of Commons, where the most indubitable evidence was given of the haste in which it was concocted by the important alterations which were then introduced, by which the character of the measure was materially changed. He therefore desired to afford a longer time for consideration to those who had framed the measure, who might, after due inquiry and deliberation, propose some measure to their Lordships which might obviate what he admitted to be, in some cases, a substantial injustice, without doing that which was of far greater importance than any act of individual injustice—injustice to the eternal principles of truth, and the principles of equity and justice. Now, the first Clause was returned from the House of Commons unamended, and there was good reason why it needed no Amendment, because the Clause was in itself superfluous. It did nothing more than in fact enact what was the law at the present moment without any such enactment. It was held unanimously in Lady Hewley's case, that since the repeal of the acts which made it penal to teach Unitarian doctrines, Unitarians were now the objects of charity just as much as though no such penal act had ever existed as a part of the law of the land. Therefore the first Clause was in itself superfluous and supererogatory. Now with respect to the second Clause, on which the whole pith of the matter depended; but perhaps he might be first allowed to say a few words on the third Clause. It was exceedingly important and contained in itself the essence of injustice, and he thought the persons most interested in the measure, and whom he should shortly mention more particularly, had great reason to complain of the third Clause. That Clause did not exist in the Bill as it originally stood. It went through Committee. There was a reservation of all suits pending on the 1st of March last —a very proper reservation, and one usually introduced where gross acts of injustice were intended to be prevented. On the third reading he was called by official duties from London, and a Clause was then introduced by the noble and learned Lord opposite, entirely altering that Clause, and putting a bar to all suits then pending. The real object of that Clause was to bar the relators in a most important suit—that great suit in Ireland, which might be not inaptly termed the Lady Hewley's case of Ireland, the Eustace-street chapel, where an income of 2,600*l.* had been left for the diffusion of Trinitarian doctrines, but which was then used for the promotion of Unitarian or Arian doctrines. The relators ought to have been heard before their claim was barred by such a Clause, because they were in such a condition that the Clause ought not to have passed without their being heard. The relators in that case had all but obtained the judgment in their favour. That eminent and learned person who was so conversant with the rules of equity, the Lord High Chancellor of Ireland, had eventually given judgment in favour of the relators—he had taken great pains to make himself master of the case, and intimated in the plainest terms that he would give judgment for the relators. The 18th of March or April was appointed for that purpose, and when the relators went into court they found judgment put off. In the meantime this Bill was brought forward at the last moment, in their Lordships' House. It was sent down to the House of Commons. It was ordered to be printed on the 10th of May, and was printed and delivered on the 14th May, and the relators never heard there was such a Clause until the 14th of May, when the second reading was fixed in the House of Commons. Looking to the fact that the Lord Chancellor of Ireland had declared that the law and equity of the case were with the relators, and that nothing remained but for him to give his final judgment in detail, these parties had a right to complain, because if they had had the good fortune to bring their suits a year or two before, the decision would have been given in their favour. Their Lordships had now barred the parties, when they had all but received a judgment. And it would have been but a very little stretch of injustice to have made the Bill retrospective, and annulled the decision in Lady Hewley's case, and given back to the parties the property they they had so long been in the enjoyment of, but which they had been deprived of on principles based on common sense and common justice, as his noble and learned Friend had justly said. Now, with regard to the second Clause, which was really the most objectionable part of the Bill, and was contrary to all the maxims of law and equity on which charitable trusts had been hitherto administered by those eminent judges who had for centuries adorned the Bench. As the Clause was sent down from their Lordships, it was enacted that the usage of the last twenty-five years should be conclusive evidence of the intention of the founder. This was found to be so unreasonable that the House of Commons had altered it. He was very far from considering that an improvement, and would rather the Bill had remained as it originally stood, making the twenty-five years conclusive evidence, than that the Legislature should say that such and such doctrines may be properly taught in certain places—doctrines of the most vital and essential importance. He should prefer some such provision as this, that no action or suit shall be brought against any person or persons whatsoever for any doctrine or doctrines whatever. He was aware that such a Clause would open the door to enormities of doctrine the most fearful, because meeting-houses might be in possession of Socialists, Chartists, Atheists, and blasphemers; but it might not have been difficult in such a case for them to retrace their steps; at all events parties would not then step in and declare that Unitarian doctrines, doctrines which were contrary to the fundamental truths of religion, on which all their hopes of salvation rested, might be properly performed in any place of worship within Her Majesty's dominions. He knew it might be said the word "properly" meant no more than that they might be taught without subjecting persons to penal consequences, but common sense understood the word properly in a different light, and he would have preferred the original Clause. But now with respect to the possession of these trusts by persons who might properly teach any doctrine which had for twenty-five years been taught in any chapel. Let their Lordships suppose the case of a Unitarian Minister who might for more than five and twenty years have taught doctrines which were applicable and proper to that denomination of persons, and that at the expiration of that time he should see reason to alter his opinions, and that many of his congregation were ready to go round with him, and take their stand by him; he would not be prepared to prove that the orthodox doctrines of the Church had been preached for the preceding twenty-five years, and, therefore, if the case were ultimately brought before a Court of Equity, and he preached anti-Trinitarian doctrines, he could not be ousted from the chapel, and they would leave things precisely as they were, with this difficulty superadded—that, having rejected the best interests, they were now prepared to receive the worst. They must reject the arguments, the evidence, and the testimony of cotemporaneous authorities, and the usages of hundreds of years, and have recourse to the oral testimony of the congregation, many of whom were, perhaps, persons incompetent to decide the matter. Nay, it was not impossible that some of the congregation might say, "We recollect such and such doctrines being preached during the last twenty-five years," and others of them might say, "It is no such thing; we never heard such and such doctrines preached." How was a Court of Equity to decide in such a case to what party the chapel should belong? He contended that the Clause did not answer the purpose for which it was intended which the former Clause had in view when it was sent down to the other House. Therefore, he said the Clause was so far worse than the former, inasmuch as it refused the best evidence, and took the worst. He would call their Lordships' attention to the feeling expressed by a living luminous authority, the authority of a right hon. Gentleman who now occupied the highest seat of judgment in Ireland, Lord Chancellor Sugden, in one of his memorable judgments in 1842:—

> "I shall admit evidence, or if not furnished, I will, if necessary, look for evidence in history, in records, and Acts of Parliament, in the knowledge of the times, in the writings of men of different persuasions on ecclesiastical subjects. I will seek from all these sources for evidence, to ascertain what, at the time of the execution of the deed, was the meaning of the word "Christian," and the meaning of the words "Protestant Dissenters," and that not for the purpose of putting a construction on those words which would do any violence to the deed, but, if I can, to enable me to put a construction on them that shall be at once consistent with the deed, and in accordance with the intentions of the founders."

This was the view of the case which had been taken by this learned authority, and this was the view which seemed to him emphatically to include the very essence of the principles of evidence and equity. It was now his duty to point out to their Lordships one or two instances of hardship which must arise from the adoption of the amended Clause. He had hitherto touched on one or two imaginative cases; he would now put one or two real cases, because he had always observed that examples which were submitted to the eyes found readier acceptance than those which were transmitted to the mind through the ears. He had stated that the words taken from the judgment of Sir Edward Sugden seemed to him to contain the essential principle which ought to regulate the judges in the administration of the law respecting Chapel Trusts. He need hardly remind their Lordships of the opinion which had been laid down by a still greater authority than that which he had quoted—namely, the late Lord Eldon, whose rule of Equity was this:—

> "If it appears to have been the founder's intention, although not expressed, that a particular doctrine should be preached, it is not in the power of the congregation or the trustees to alter the designed objects of the institution."

He now would mention to their Lordships a case bearing on the question. A new meeting-house was opened at Chester in October, 1700, when a sermon was preached on the occasion by a very eminent dissenting minister, Mr. Matthew Henry—was printed in 1728, with a preface by Dr. Watts. The preacher said,

> "Those that build altars for maintaining and propagating any heresy spoil the acceptableness of the altars they build, and it will be construed to be done in transgression against the Lord."

He then stated the agreement in doctrine between the Presbyterians and the Established Church. They knew that he regarded Unitarianism as a heresy. That same chapel was now occupied by Unitarians, and the pulpit was held by an ultra-Socinian—he used the term ultra-Socinian because Socinians properly so called held that our blessed Lord and Saviour was an object of worship, whereas the anti-

Socinians denied this. By the second Clause of the Bill, as it had been amended and come down to their Lordships, it would be enacted that those very doctrines which the reverend person who had preached on the occasion referred to had denounced from the pulpit as a heresy, and as therefore unacceptable to God,—those very doctrines might be and were preached in this chapel. He implored their Lordships to bear in mind, that by the evidence which the Bill admitted it would be utterly impossible to oust the Unitarians from any property, however unjustly they might have usurped it. Another case was one which had occurred at Stannington, in Yorkshire, where a chapel had been endowed—endowed, their Lordships would observe, by the will of an individual, named Richard Spooner, "for the maintenance of a minister approved by certain persons for honesty of life, soundness in doctrine, and his diligence in preaching." What, now, was to be the test of the soundness of doctrine? Why, the usage of the last five and twenty years. What the testator meant by the words "soundness of doctrine" was clear from the preamble of the will, a document in which a man must be supposed to speak the words of truth. The preamble ran thus:—

> "I desire, in the name of Jesus Christ, to bequeath my soul unto the hands of God who gave it, hoping assuredly to be saved by the death and precious blood-shedding of Jesus Christ my Redeemer, and by no other merits."

This chapel was soon in the hands of the Unitarians. Was it conceivable that the founder had any such intention by his will? And yet, by this Clause, this will could not be admitted as evidence of his intents, but the usage of the last twenty-five years was to be an absolute bar to the fulfilment of them, and would determine that a denial of the fundamental truths, in the belief of which he placed his hope of salvation may "properly be preached" in the chapel which he founded, and a soul-destroying heresy propagated by means of the pious offerings made by a sincere believer to the service of the God of Truth. Now, this was a question in stating which he hoped he should not be considered as trenching on the principle of the Bill; but it went to show still more strongly the points of view in which these two clauses were to be regarded as to what doctrines might be permitted to be preached. He should not shrink from the position which he had thought it his duty to take on a former occasion—that the only doctrines which could properly be preached in this or that chapel were the doctrines for the promulgation of which such chapel was originally founded. He knew it had been argued with great apparent accuracy and reason, that they had no right to arrive at a conclusion as to what would have been the intention on the part of the founder if he were in the land of the living, because had he lived in the present time he might have seen that the opinions which he formerly entertained were not properly applicable. Looking to what had been said by the Mover and Seconder of the Bill in the other House, he believed that many persons had been carried away who had thought the measure was fraught with injustice. Nothing which had been urged by his right hon. Friend in another place, of whom it was impossible to speak but in terms of respect and affection, had tended to shake the strength of the position which he (the Bishop of London) had taken. It would be recollected, that what he had said was, that at the time when these chapels of the English Presbyterians were founded — namely, from 1689 (the Toleration Act) to 1700—during the whole of that time the Presbyterians were zealous and ever-eager maintainers of Trinitarian doctrines —they believed them to be indispensable to salvation. Those who denied the doctrine of the Trinity they branded as heretics, not to be regarded as Christians, denouncing them as infidels and blasphemers. He would adduce an authority which had been adduced on the other side of the question; but he should easily show that his (the Bishop of London's) was the scale in which authority must prevail. Dr. Calamy writing in the year 1717, said of the Protestant Dissenters—he begged attention to this, because it was an important feature in the discussions in another House. Dr. Calamy said:—

> "Candidates for the ministry are solemnly ordained, after making a public confession of that faith in which they engage to make it their business to instruct others."

Dr. Priestly stated, that

> "Among the Dissenters called Presbyterians a particular confession of faith was formerly required of all candidates for the ministry, their soundness in which was then deemed essential."

In Lady Hewley's case, his noble and learned Friend on the Woolsack said:—

> "It is stated by the witness, and there is no contradictory evidence, that the Trinitarians of that day were believers in the trinity and in the doctrine of original sin, as contained in the Articles of the Church of England."
>
> "I am justified, I think, in coming to the conclusion that the great body of the Presbyterians were in their opinions Trinitarians."

Then as to the Catholic spirit which distinguished the case, he would refer to the opinions of Mr. Baron Alderson and Mr. Justice Patteson, in the Hewley case, who said:—

> "We were much pressed with quotations on this point by the learned and ingenious gentlemen who argued for the defendants, but they have failed to satisfy us even as to the probability of any such catholic intention as that for which they contend having been entertained by Lady Hewley. Such a view may have been entertained by a few speculative divines of great benevolence of feeling, but was never very generally received."

He felt reluctant to trouble their Lordships further, and nothing but the extreme urgency of the case, which involved a sacred and important principle, would induce him to do so; but there was another point on which he was bound to touch as it was one of considerable delicacy and difficulty. In the second Clause, as the Bill went down to the other House, were these words—"such meeting-houses," as described in the first Clause. In the other House, at which period of the proceedings he was not able to ascertain—it was not done in the early periods of the discussion—these words were changed to "meeting houses for the worship of God." Hitherto, if the words "worship of God" occurred in the statute book, they had been always and must always be interpreted to mean, the worship of God as defined by the Articles of the Church. He defied any noble Lord to show an example in which it was not the case. But a legal question might arise on the words "chapel for the worship of God." Persons who had left these chapels for Trinitarians would have them occupied by Unitarians, and if the parties brought actions to oust them, they might say, "That is not what you call the worship of God," and the question would come before a legal tribunal for the judges to decide upon. It would very probably come before their Lordships by appeal, and they would be called upon to decide what was the "worship of God." He contended that the object of this Bill was to perpetuate and promote the views of the Unitarians; because all other Dissenters repudiated the Bill. His noble and learned Friend had said, that it was likely that two or three suits would be brought. He said, that under this Bill thair Lordships would be called upon to decide what constituted the worship of God, without reference to the intentions of the testators; and, they must then throw open the door so widely as not only to admit Unitarians, but Jews and Mahomedans. He did no more than state the law as it had been interpreted by others. If his view of the law were wrong he should be glad to be corrected, but he believed his view of the law was the same as was entertained by some of the most eminent men in this country. He had alluded more than once to other persons who were deeply interested in the fate of this measure. Although he was no doubt dismayed by the array which he saw against him, comprehending, not only the noble and learned Lord on the Woolsack, but also many of those who had achieved a seat in this House by the use of those great and eminent talents which had conferred so much benefit on the country, and had shed so brilliant a lustre on themselves—although he saw such an array marshalled against him, he felt that out of doors there was a vast majority of the legal profession most hostile against this measure, and not a few of the most distinguished judges of the land, both in equity and law, amongst them. He spoke this of his own knowledge. As to the rest of the community, when the noble and learned Lord described the other House as the representatives of the community, it was intended to be inferred that they had spoken the opinions of the whole people. But was he to be told that the House of Commons (which he wished to speak of with all due respect) was the representative of the religious feelings of the public? Was it possible by the constitution of that House that it could be so? He would not even say, that their Lordships were the representatives of the religious feelings of this country, although they no doubt had some of the elements in this House to give them a title to the character. No such value could be placed upon the opinion of the

House of Commons upon this subject, for this was a measure which was conceived in haste—imperfectly put together, and inconsistently amended in the House of Commons. On the merits of such a measure he denied that the House of Commons had decided in a manner as could show that they had been the faithful representatives of the religious feeling of the community. He should rather say that the thousands and thousands of pious men who had signed the almost countless petitions which had been laid on the Table of this House were better interpreters of the feelings of the community. These were chiefly from the middle and lower classes, amongst which Christianity was to be more generally found. If every religious denomination were considered except that one for whose benefit that Bill was proposed, it would be found that the latter would not number 2 per cent. in the whole community. When he had first come into this House the public mind was greatly agitated by the probable fate of the Roman Catholic question, but he had never remembered that the public mind had been more agitated than by this question, considering the short time which had elapsed since it was first made known. He did not scruple to say that their Lordships would do just the contrary than rise in the public esteem if they passed this measure, which, in his opinion, contravened every principle of truth, justice, equity, and religion. With regard to himself he trusted that he did but justice to the cause he advocated, and that he had not treated this question more in a polemical point of view than was absolutely necessary, considering the peculiar nature of the case. He felt that he had rather discussed this question upon the principle of equity and justice, upon which he thought it completely infringed. At the same time he felt a sincere conviction that, by passing this measure, they would be inflicting a great injury upon religious truth. He hoped they would not think that he had offered anything like a factious spirit of opposition to this Bill. He would not have followed this course except from the deepest conviction of a duty which he felt incumbent upon him. He had been the organ through which expression of opinion had been made known to their Lordships for many thousands of their fellow Christians. He had in no one instance sought to procure petitions against this Bill, and in his own diocese he had never even intimated a wish that such petitions should be multiplied. If he had broached a wish to that effect, he believed that every petition which had been presented would have been multiplied tenfold. He wished the subject to be discussed upon its own merits. He did feel it to be a duty incumbent on him to pay some respect to that deep religious feeling which pervaded the great body of the community. He believed that that feeling would be greatly outraged, and the fundamental principles of equity and justice would be violated, if this measure were passed into a law. It might be asked, if this was a proper time to moot this question? He did not think it was. He approved of neither the Bill nor the Amendments. In some respects it had been entirely improved by some of those Amendments, but in other respects they worsened the Bill. He was therefore decidedly opposed to the passing of the measure, and would move that the Commons' Amendments be considered that day three months.

The question having been put,

The Bishop of *Durham* spoke briefly in support of the measure, but was very indistinctly heard. He could not at all see, in the measure before them, the dangers apprehended by his right rev. Brother. He was sure the introducers of the Bill had had no intention of favouring one body of Dissenters more than another; he believed them to have intended equal protection for all alike—that all alike should have that justice awarded them which all alike, Churchmen and Dissenters were entitled to. Most undoubtedly he himself had no sympathy with the doctrines of the Dissenters; least of all with those to whom his right rev. Brother had more especially referred; but though he had no sympathy with the doctrines of Dissenters, he had very great sympathy with the rights of conscience and the rights of property. As to the legal doubts which had been suggested, he must confess that upon such matters he must rely with more confidence upon the opinions of the noble and learned Lord on the Woolsack, and the other noble and learned Lords who had filled that and other high judicial offices, than upon that of his right rev. Brother, however much he might prefer his interpretation of a text of Scripture. The right rev. Prelate concluded with expressing his intention to give the measure his support.

Lord *Brougham* was anxious to say a few words with respect to what had fallen from the right rev. Prelate, who moved the Amendment, as to the nature of the Amendments introduced into the Bill by the other House. He agreed with his noble and learned Friend on the Woolsack, that the present discussion should be confined to the consideration of the Commons' Amendments, and that they could enter into the other topics of the Bill without great irregularity. The principle of the Bill had been adopted and sanctioned by the unanimous feeling of the House, on the first occasion—so far, at least, that no division took place upon it, and it was carried by very large majorities through its subsequent stages; and in the other House it met with proportionate success from the representatives of the people. They had now only to agree or disagree with the Commons' Amendments; and it was entirely inconsistent with the rules and practices of that House—it was entirely inconsistent with the original proposition—to adopt the right rev. Prelate's Amendment, and hang up for three months the consideration of the whole matter. He regretted that one part of the speech of the right rev. Prelate did not agree with that spirit of candour and fairness which pervaded other parts of it. He regretted that the right rev. Prelate had not pursued the same spirit throughout with which he commenced. The right rev. Prelate said that he objected to some of the Commons' Amendments, but that there were some of which he approved, and which greatly improved the Bill. The right rev. Prelate said, that some of these Amendments tended to improve the Bill, while others tended towards making it worse; instead, however, of agreeing to the consideration of both these classes of Amendments, when he could vote in favour of those he approved, and against those to which he was hostile, the right rev. Prelate proposed that they should not be considered at all for three months. But what would follow this? Why the House of Commons would demand a conference. If the Commons should then inform that House that it did not persist in its Amendments, the result would be, the Bill would pass in the shape in which it was sent down. If, however, the Commons did persist in its Amendments, then, no doubt, the adoption of the Amendment of the right rev. Prelate would have the effect of destroying the Bill. The right rev. Prelate said, that he wished that the Bill had come back from the other House with all its imperfections on its head. The right rev. Prelate intimated that he should have liked the Bill the better if it had not been improved—that was because it would furnish him with better arguments against the measure. Now he thought that such a wish savoured much more of those Courts with which he (Lord Brougham) was formerly connected, than with those over which the right rev. Prelate presided—it savoured much more of the proceedings of the secular Courts of Common Law, where an acute and intelligent advocate was all the better pleased to see his adversaries' case treated badly, because it gave him the better chance of gaining the verdict. He would now pass to another objection of the right rev. Prelate, namely, that it was altogether in favour of Unitarians, and of the Unitarians alone. But how did that appear? Because the right rev. Prelate said, that the Unitarians stood in the proportion of two to ninety-eight to the other Dissenters, and the whole of the latter were against the Bill. Now, he distinctly denied this, as he had presented several petitions in favour of the Bill—not certainly so numerous as those presented by the right rev. Prelate against it, but still he had presented a great number of such petitions, as well as his noble and learned Friend on the Woolsack, his noble and learned Friend near him (Lord Cottenham), and his noble Friend (the Marquess of Lansdowne); and those petitions were not merely from Unitarians, but from great numbers of orthodox Dissenters, from Churchmen and Catholics. He held in his hand a letter which he had just received from a friend of his, who was a sound orthodox Dissenter—he meant Mr. Baines, of Leeds, a most respectable man, and possessing great influence among the Dissenters, and who was formerly the proprietor of a local newspaper of great influence in the West Riding of Yorkshire, but who had now retired into private life, carrying with him the strongest feelings of respect and regard, not only of Dissenters, but of Churchmen. That Gentleman said, that the Dissenters' Chapels Bill was a wise and healing measure, and as valuable to orthodox Dissenters as to Unitarians, and that we should all feel grateful to the Government who introduced it, and to the enlightened statesmen on both sides who supported it. It was a common thing in arguing this case to say that, supposing that there was a deed, the merely holding for twenty-five years ought not to be considered. There might be in the enacting part, if he might so term it, of the deed, expressions and provisions, as clear as language could make it, as to the designs of the party; and he might be asked, after this, was it to be borne that the endowment should go to the Unitarians. But it should be recollected that, on the other side, there might be a deed as clear as could be drawn, and which created an endowment, on certain conditions, in favour of the Unitarians, and from which the Trinitarians were excluded; yet, by this Bill, twenty-five years possession by the Trinitarians would exclude the Unitarians from interfering under the deed. Therefore he said that the Trinitarians would profit under it fully as much as would be the case on the other side. The right rev. Prelate said, that nothing could be clearer than that, in many cases, the deed was in favour of Trinitarians; and that, notwithstanding this, the Unitarians would be allowed to hold under this Bill, in spite of the deed. They were told that this was a senseless and mischievous Bill, because it created a difference between the event and the intention of the founder. But this was an argument against every statute of limitation, against every act to secure quiet possession, and against all suits to secure quiet possession, and was applicable not only to cases of trust but to property. He would put a case which occurred every day—a case by which the Law of Limitation was just as liable to the charge of being turned against the intentions of the devisor of property, and therefore, according to the right rev. Prelate was as contrary to common sense and reason as this measure was. He would suppose the case of a person, whose intentions were to be gathered, not by uncertain and doubtful evidence, but obtainable within the four corners of the instrument itself. Supposing the will said that the maker of it, John Thompson, having a great and just hatred against all persons of the name of Jackson—left a certain estate to — Thompson, on the express condition that he should not marry any one of the name of Jackson—on the express condition that he should not take the name of Jackson—on the express condition that he should not form any connection whatever with the hated family of the Jacksons, and that he should take especial care that none of that name or family should derive any profit, with the knowledge and consent of the devisee, out of that estate. Now what could be clearer than the intention of the party in such a case. It might happen, that by some means, or by some collusion between the devisee and the family of the Jacksons, this estate might get into the possession of the hated family; and if it did now get into such possession—not for sixty years as formerly, but for twenty years in some cases, and for thirty in others—the possession could not be questioned, notwithstanding the express terms of the will. His noble and learned Friend in this Bill took the medium period of twenty-five years' possession to secure the title. The law of the land allowed an estate to be retained in the possession of a family which was expressly excluded from possessing it by the terms of the will of the person who might be called the founder of the estate, and to remain in the hands of those whom he had expressly declared should never enjoy a farthing derivable from it, provided they could only obtain undisputed possession of it for a certain limited period. The argument of the right rev. Prelate on this point was against all the present rights of holding property, and if admitted would affect the titles of many estates, He was also surprised at the expressions used by the right rev. Prelate as to the words in the second Clause, namely, the expression "the worship of God." If the right rev. Prelate would look to the preamble of the Bill as it passed through the Committee of that House, he would find the same expression standing; consequently the same reason for objecting to it was as applicable when in their Lordships' Committee as it then was. He denied that it was of express advantage to one sect more than another; but it would be for the benefit of all. It would have the effect of preventing litigation and jarring, and the ruinous expenses which must attend suits on such subjects, and which, in many instances, would be so great as completely to abstract the funds set aside for the purposes of education or religious worship. The Bill merely said that if a party or sect had had possession for twenty-five years, no one should dispute the title of the party holding; and this was the same as the law with regard to private property, which allowed possession of an estate for thirty years, in some cases, and twenty years in others to be considered as a good title, and to prevent any adverse interference. He should only once more express his intention of giving his hearty and cordial support to this Bill.

The Bishop of *Norwich* said, that his intention in the first instance was to oppose the Bill, relying on the testimony of persons in whom he placed implicit credit, knowing them to be religious men. He had determined to oppose the Bill because he had been informed that it was not a Bill for the Dissenters generally, but a Bill designed for the exclusive benefit of Socinians and Unitarians. On looking into the measure he found that he had been misled. This was no question of theology and doctrine, but one of equity and justice. He found that others had been misled like himself, and had in consequence signed petitions against the Bill, acting on the same erroneous opinions upon which he, in the first instance, had been disposed to give it his opposition, and who, on discovering their error, deeply regretted the course they had been induced to take. Did he, then, persevere? No; for his pertinacity would be, not like that of the right rev. Prelate, a virtue, but a culpable perseverance in opposition to his conviction. Many petitions had, undoubtedly, been presented to their Lordships' House against the measure, but he had never known a case in which so many petitions of a contrary character had been presented within the same time. He had glanced over many of these petitions against the measure, and had found that although numerous, they had comparatively few signatures. For instance, last week he had presented a petition from certain Baptists of one of the most populous towns in England, with only eleven signatures. That very evening he had presented a petition in favour of the Bill (as we understood), signed by Baptists and orthodox Dissenters throughout the country, and by churchmen also, to the number of 150, which showed that the feeling of Dissenters and Churchmen were not only not against the Bill, but that there were many, very many of them anxious for it. He quite agreed with the noble and learned Lord on the Woolsack, that it never could be his intention to support Socinian and Unitarian doctrines. It would be a libel on Her Majesty's Government—on the noble Duke in that House and on the right hon. Baronet in another place, as well as on every member of the Cabinet—to suppose that they could ever have advised the introduction of a Bill so utterly regardless of the true interests of religion and of that Established Church which it was their duty to protect. He therefore determined no longer to oppose the Bill; but, on looking more closely into it, he found himself rather in a dilemma, for he was unwilling to allow his name to be in any degree associated with Unitarians and Dissenters. But then came this difficulty; with what consistency could he oppose it? How did he hold his own preferment? Did he not derive it entirely from those who advocated doctrines to which he was opposed? In another place it was said that the tears of Protestant saints would flow in rivers if this Bill should pass; but would not the tears of Roman Catholic saints flow in equal abundance on viewing the question on another side? He was well aware that he held his preferment by Act of Parliament. The Act of Parliament regulated this, and ensured him perpetual possession of the preferment he held. With that he was satisfied. But there came another question. The Methodists did not depend on an Act of Parliament. Their founder, John Wesley, was an ordained churchman, and was at all times, from the beginning of his ministerial career to the end, friendly to the Church. It was a fatal policy when, in those days, we rejected him and made him our enemy. Almost his last prayer was, that his followers should not depart from the Church. They had, however, departed; and what would they say, if we now were to insist on their emoluments, their foundations, and all the money they had expended on their schools and chapels? He should rejoice if we could do so; but the Methodists, and their Lordships too, he apprehended, would stigmatise such a step as an act of injustice. This, he repeated, was no question of theology and doctrine; but he would maintain it to be a religious question. It was religion in its most essential quality, because it was a question of equity and justice, and it was not for man to put asunder what God had joined together. It was for this reason that he was most anxious to support this Bill, and he should deem himself swerving from his duty as a Member of the Legislature, and inflicting an injury on the cause of justice, if he did otherwise than give it his unqualified support. There was a principle, but too often forgotten in theological and doctrinal strife, which taught us to do unto others as we would be done by. It was on this principle that he would ever yield to Unitarians those rights which they held: for he had yet to learn that the Legislature of this country was accustomed to draw a difference between religious tenets, and on that account to deprive men of their rights and liberties. On this account he would support the Bill. They were enjoined to lay aside all self-interest, all prejudices, and all partial affections. His interest would lead him to oppose the Bill; because he knew that he should thereby be more akin to the feelings of a great body of his fellow-countrymen. His prejudices would induce him to oppose it; for he would frankly acknowledge that there was no sect of Dissenters, no religious tenets, to which he was more hostile than those of the Unitarians and Socinians. His prejudices were therefore against it. His partial affections were alike opposed to it, because he should, by opposing the Bill, have the gratification of being associated with those with whom he wished to agree. He felt himself compelled, however, to lay all these feelings aside, and administer impartial justice to all. He expressed his gratitude to the noble and learned Lord for introducing the Bill, and promised him his cordial assistance and support.

The Earl of *Roden*, not having had an opportunity on the former discussion of offering his opinion with regard to this measure, begged to address a few observations to their Lordships. He was sorry to find the Government originating a measure which in his opinion, tended more to wound the religious feelings of the people of England than any measure that had been introduced for a number of years. The great majority of the people of this country were opposed to this measure, and he entirely coincided with the objections to the Bill stated by the Petitioners, whose petitions covered their Lordships' Table. They stated that they conceived the Bill to be unjust, because it gave property to individuals to which by law they were now not entitled, and which had been left by pious individuals for certain objects directly contrary to those to which the Bill would consign it. Their Lordships had now an opportunity of reconsidering the measure, and he trusted that no taunts which might have been offered with respect to the unfairness of throwing out the Bill in its present stage would have any effect on the minds of those noble Lords who had opposed the Bill in its previous stages first brought before them. He trusted that the observations which had been made on the other side of the House on the course which his right rev. Friend (the Bishop of London) had adopted with respect to the postponement of these Amendments, would not be of force enough to induce their Lordships to dissent from that course, and place on the Statute Book that which would be a blot upon it. Though the course adopted by his right rev. Friend might be an unusual course, yet it was by no means an isolated mode by which Bills were defeated in Parliament, and he thought that noble Lords opposite would be disposed to bow to the authority in its favour which he could bring forward, and which would show that when noble Lords opposite were in office a little time ago, they pursued exactly the same course when they felt it their duty to do so. In 1834, their Lordships would remember the Justices' of Peace Bill was introduced into their Lordships' House when a noble and learned Lord opposite (Lord Brougham) filled the Woolsack. The noble and learned Lord moved that the Commons' Amendments on that Bill be considered that day six months, and their Lordships adopted that course, and the Bill was consequently lost. Another instance, to the authority of which he thought noble Lords opposite would bow, occurred in 1836 with respect to the Irish Church Bill, which made so much noise in Parliament and out of doors. Their Lordships would remember that it came up to them containing a certain Clause called the "Appropriation Clause." Their Lordships made Amendments on that measure, with which it returned to the Commons, when Lord John Russell moved that the Lords' Amendments be taken into consideration that day three months. That Motion was agreed to and the Bill was lost in consequence. Both in their Lordships' House, therefore, and in the other House that course had been adopted by the noble Lords opposite when in office which they now condemned when out of office. The noble Lords on those occasions, no doubt, acted according to their judgment for the benefit of the country. He only claimed for his right rev. Friend the same forbearance on this occasion which they met with from Parliament on the occasions he had mentioned. He thought his right rev. Friend did very right in moving the postponement of these Amendments, in order that the whole measure might come under the consideration of Parliament again. All the Dissenters except the Unitarians were in accordance with the Members of the Church of England in approving of the object of his right rev. Friend on this Motion. His right rev. Friend stood forth on the present occasion not merely as a partisan but as the champion of that truth which was the best feature of religion. Therefore, he could not agree that his right rev. Friend had taken a course which he was not called upon to take. He (the Earl of Roden) had read many pamphlets and speeches upon this measure, and he had heard many arguments in favour of it; he had listened also both to noble and learned Lords and learned persons elsewhere in favour of it; but while he acknowledged the talent with which arguments of the greatest force were urged upon him, yet he must say he often found the talent so great that it made the worse appear the better reason, so that he was obliged to put it all aside and use his common sense to direct him to what should be the proper course. The result of the measure would be to take property left by pious persons to Dissenters of orthodox faith, or to Members of the Presbyterian Church, for the purpose of upholding] Christian truth, whenever such property might have fallen into the hands of individuals opposed to those tenets, and if twenty-five years had elapsed from the time they came into possession of the Chapels, to hand it over to them, and entitle them to it, wrongfully obtained and wrongfully kept as it had been. He conceived this to be unjust, and he need only refer, in proof of it, to a case which particularly regarded the Presbyterian Church, the Members of which, he thought, would be the greatest sufferers, and which had been already referred to by the right rev. Prelate—he meant the two suits which were going on in Chancery, in order to recover meeting-houses in Dublin, and the judgment upon which had been arrested until the Bill then before their Lordships had become law. Then, he would ask, why the Amendments which relieved the Wesleyans and Baptists should not also apply to the Presbyterians? It was gross injustice that they should be relieved, and that the Presbyterian Church should be left under the evil power of this measure. A Petition he had presented that evening from the Presbyterian Church of Ireland stated their objections to the measure, among others, to be, that it went to change the law of religious property in frustration of the original intention of the founder, and that it would be a fruitful source of litigation; and the Petitioners prayed that before their Lordships passed the Bill it might be referred to a Select Committee of their Lordships, before whom the Petitioners might be allowed to state their case. Surely it was strangely opposed to the principles on which a Government calling itself a Conservative Government ought to act to bring forward a Bill of this character, for the principle of the Bill was anything but a conservative principle. Little did he think, when he sat on the opposite side of the House with the noble and learned Lord now on the Woolsack, and many noble Lords on the Ministerial side, who with him opposed the measure of spoliation to which he had already referred—he meant the measure which contained the Appropriation Clause—he should live to see the day when the noble and learned Lord and other noble Lords would introduce and advocate a measure far more spoliating and far more objectionable than that which contained the Appropriation Clause—he said, far more spoliating and far more objectionable, because, though that measure went to take property from the Church and devote it to objects which certainly were not church objects, yet those objects were not opposed to the Church; but now the House saw the noble and learned Lord and his Friends bringing forward a measure to apply property for the propagation of a dangerous fallacy in religion, and to doctrines directly opposed to the church and to the will of the testator who left the property. He lamented to have lived to see that day; but he had seen it, and if the Government carried the measure, the country would have nothing to do but to bow their heads and lament the uncertainty of man. Having said so much, he would not trespass on their Lordships' time further than to return thanks for the kind manner in which their Lordships had heard him.

Lord *Cottenham* said, he rose for the purpose of protecting Her Majesty's Government from the severe attack which the noble Earl had made upon them for their departure from Conservative principles. If he were right in the meaning which he had always attached to the word "Conservative," the present Bill was entitled to be considered as purely a Conservative measure, for its object was to do justice, by protecting property that had been in the hands of particular parties for a great length of time, and preventing its spoliation from those who were in the enjoyment of it, in order to have it transferred to others who had no earthly right to it. Such was the meaning that he attached to the word "Conservatism." The noble Earl had read to their Lordships, and he thanked him for it, the petition of the orthodox Presbyterians of the north of Ireland. The statements contained in that petition afforded an instance of the very exaggerated feeling that existed out of doors against the measure, and a greater misrepresentation of the objects of it could not well be adduced to their Lordships' House. The petition stated, what indeed had been already alleged in arguments in that House as well as out of doors, that the Bill had for its object, and would have the effect, of transferring property from those who by trust and by the gift of the donors ought to enjoy it, to others who had no right or title whatever to it. But if any noble Lord would take the trouble of reading the Bill, he would find that any such consequences had been carefully guarded against, and could not occur under it. It was expressly provided, that where, either by the trust deeds or otherwise, proof could be given of the intention of the donor, those intentions were to be carried out, and the persons entitled were to be secured in the possession of the property, the Courts of Law and Equity being open to them for redress. But if noble Lords, as well as persons out of doors, were to continue over and over again to state that such was not the intention of the Bill, that it was calculated to effect a totally different result, then it was no wonder that great misapprehensions should exist in the public mind, giving rise to the number of petitions that they had seen laid on the Table against the measure. His principal object, however, in appearing before their Lordships on that occasion was to defend himself personally against an attack which had been made upon him. He had been censured—he would not say discourteously—by the right rev. Prelate. [The Bishop of *London*: Not censured.] The third Clause was very much censured, and I regard that as a censure on myself as its author. [The Bishop of *London*: I censured the Clause, but not the author of it.] If the Clause was wrong and deserving of censure in the form in which it was introduced, he considered that the censure should attach to him for having introduced it; but he had perhaps better wait until he should hear what the accusation was that was to be brought forward against him. When either the Clause itself, or the author of the Clause, or both, were attacked, it would be time enough for him to defend it; but as yet he had not been distinctly told in what the fault which was complained of consisted. ["Hear, hear," from the *Lord Chancellor*.] If he were wrong in waiting until the third reading of the Bill to modify the measure by a Clause which he had at first submitted for the consideration of the author of the Bill, then the fault was with the forms of the House, which he had followed, and not with him. What was the Clause against which the complaint was made? It was very short, and he thought noble Lords had not taken the trouble of reading it attentively when they expressed their opposition to it. If the purport of the Bill were taken into consideration it would be perceived that such a Clause was absolutely necessary to render the measure perfect. The right rev. Prelate would allow him to say that his objection in part arose from a misapprehension—which was not unlikely to be formed—of the proceedings in such cases in the Courts of Equity. The right rev. Prelate might not know what the mode of proceeding was with regard to relators on those occasions. He might not be aware that the information, which was the first step in the cause, was always filed by Her Majesty's Attorney General, who was empowered to file a bill for the purpose of inciting a proceeding in order to have such charitable trust funds applied for the purposes for which they were originally intended. The Attorney General named the relators, not on account of any personal interest which they had in the Bill, but for the protection of the defendants—in order that if the suit should fail and the defendants be shown to have been right, they might have some party to resort to for their costs. In fact, any person able to pay might be introduced as a relator. He might be a total stranger, having nothing whatever to say to the charity, and be completely distinct from the parties who first induced the Attorney General to file the information. It was in that manner that the cases alluded to had been commenced in Ireland. The Attorney General did not claim the property for any persons or description of persons, but in the information which had been filed by him he merely complained that the parties who were then in possession of the property were not intended by the testator to have the benefit of it. The suits were continued to the last stage, but judgment had not been pronounced, and it would be very extraordinary if the decision of the Court be given—after Parliament had declared that twenty-five years' possession was to give a good title to any particular sect or profession—it would be unfair if after such a declaration by the Legislature the persons who had been in possession, and whom the Act would make the legal holders, should lose their title on account of the over zeal and too great rapacity of those who had incited the Attorney General in the first instance to commence the proceedings. Why should such parties be placed in a better position than all other congregations, merely because they had been more zealous at the commencement? or why were those in possession to be deprived of their title solely on account of the activity that had been displayed in proceeding against them; an activity, he presumed, principally to be attributed to the circumstance of the funds being larger than in other cases that might have been brought forward. By the third Clause of the Bill the defendant would be obliged in these cases to pay all the costs, at the discretion of the Court; and it was on those terms only that the suit was to be stayed. Was that, he would ask, an unfair provision to introduce? Was it a course altogether without precedent? There were what were called *qui tam* actions, in which the person inciting the proceedings had a direct interest, as he was entitled to a share in the plunder when a verdict was obtained; but had their Lordships never interfered in *qui tam* actions? He did not think he was taxing their Lordships' memory too much when he asked that question. He did not say they were wrong in interfering to put a stop to these actions, but they allowed the informer his costs when the proceedings were stayed; whereas the relators in the actions then under the consideration of the House would not be able to get their costs, unless, indeed, they succeeded in the proceedings, when their own costs might be paid; though even then they would have no participation in the profits of the suit. But had not their Lordships heard also of *qui tam* actions against clergymen for not residing on their livings, and if it was considered proper to stop such actions, was it not equally just to put a termination to other actions? The law protected all judgments that had been actually pronounced. If a judgment had been pronounced twenty years ago, and a property enjoyed since then under it, nobody should say that that judgment ought now to be set aside. But the case was different when a suit was still pending, and he could not conceive how any party could, after the Parliament had pronounced its decision, declaring the impropriety of such suits, call upon the Court to pronounce judgment on them. But were their Lordships aware that the suit was in the power of the Attorney General up to the time that judgment was pronounced, and that he might say to the Court that he would not call for its decision, and was it probable, after the Legislature had declared its opinion that this sort of property should be protected, that the Attorney General, having discretion in the matter, would still call upon the Court for judgment? It was not likely that he would do so, and then, if no judgment were passed, the defendants would escape the payment of costs to the relators who would be indemnified by the Clause which he had introduced. The Clause was, then, proper and necessary. It was founded on a variety of precedents. It did that which was just between all parties, and it did it according to the regular forms of the House. He did not, therefore, think that he was wrong in introducing it. It was not his intention to enter fully into the principles of the measure, as he had had an opportunity of stating his views fully respecting it on the second reading, and, besides, he was restrained by the same reason which his noble and learned Friend on the Woolsack had alluded to, namely, that it was not the practice of Parliament to re-discuss the principles of a Bill that had already received the sanction of both Houses. The right rev. Prelate (the Bishop of London) felt the same difficulty, but yet he moved an amendment that could only be justified by an opposition to the principles of the Bill. He would follow the right rev. Prelate only to one point of his opposition to the principle of the Bill, namely, the great error which was fallen into so often both in and out of Parliament, that the Bill had reference to the doctrines of different sects of Dissenters. It had nothing whatever to do with questions of doctrine or professions of faith. It dealt only with property—its sole object being to place congregations—that was, multitudes of persons assembled together for religious purposes, whether their views might be mistaken or not, under that protection, which, if their case was that of an individual instead of a multitude of individuals, the law would readily have afforded them. There never was, therefore, a greater fallacy than the allegation that the Bill involved any question of doctrine. It was merely a question whether or not twenty-five years' possession—a longer period of limitation than was generally required—should not be a good title to prevent a congregation being turned out of their chapel and their endowments. There might be grounds existing for raising a doubt whether the existing congregation held the same doctrines as the founders; but, even if such ground did exist, were they not to take into consideration the expenditure of the congregation themselves in the interim, and which in some cases very much enlarged the original endowment? He was told that in one of the suits pending in Ireland in which the property sought to be recovered did not produce more than 1,000*l.* a year, no less than 15,000*l.* had been subscribed from time to time by the congregation. If the suit were decided against them, how would that difficulty be got over? The right rev. Prelate objected to twenty-five years precedent, but under the existing law they might have to make out a precedent of 125 years. The right rev. Prelate had no doubt looked into Lady Hewley's case, and he would find there that not only the intention of the testator, but the practice for a great number of years, that formed the entire intervening period, had to be established. The costs of that inquiry had been before stated to their Lordships, and yet all those immense costs had been thrown away, for a new and a still more difficult suit than the former was now necessary. It was easy enough to find out who was not entitled, in comparison to the discovery of who was entitled to the fund. A multitude of claimants, as numerous in fact as all the congregations of Dissenters in the country, might perhaps now rush in, and though that large fund should be able to pay the expense, it was clear that in case of a smaller fund the entire would in a very short time be swallowed up in litigation. With respect to the Amendments of the Commons, he regarded them as calculated to carry out more effectually the principle of the Bill. A right rev. Prelate, who addressed the House the other night, stated that he thought the Bill was improved by the Commons' Amendments. This showed that these Amendments were almost universally approved of, and the only question which their Lordships had now to consider was, whether they would assent to those Amendments, or insist upon their own Bill as it originally stood? The present Bill was a great and important measure—it was a measure of justice—which would prevent the spoliation of the property and possessions of those who, whether or not their Lordships might approve of their doctrines, were by law put on a footing with all other Dissenters.

Lord *Brougham* said, his noble Friend (the Earl of Roden) having observed that he (Lord Brougham) had taken a similar course against a Bill before their Lordships' House in the year 1834, which was now proposed to be taken against this Bill, he begged to say a few words in explanation of the circumstances of that case, which, it would be seen, were quite different from that now before the House. It was quite true, as his noble Friend had stated, that on one occasion in that year, namely, on the 13th of August, he had moved that certain Amendments of the Commons to a Bill before their Lordships should be taken into consideration that day six months. But what were the circumstances under which he did so? Because the Bill (the Justices of the Peace Bill) came back to this from the Lower House with two clauses inserted, one of which would actually have had the effect of doing away with every magistrate in England—obliging them as it did, without the assistance of a clerk or other assistant, to take down in full all the evidence in every case brought before them—the other, giving them power to abrogate and annul a variety of penal Acts of Parliament. Their Lordships agreed with him (Lord Brougham) that they could not agree to these Clauses, and accordingly they omitted them, and sent the Bill back to the Commons. The Commons, however, were obstinate, and sent the Bill back again with the same two Clauses re-inserted. A conference then took place between the two Houses, but without leading to any accommodation of the matter, and the necessary result was, that the House of Lords came to the determination to postpone indefinitely the further consideration of the Bill. This, however, as he said before, was a widely different case from that now before their Lordships.

The Earl of *Roden* explained.

Lord *Teynham* admitted, that the Amendments made by the Commons had effected a considerable improvement in the Bill, but still he considered the whole principle and object of the measure to be so utterly faulty, unjust, and irreligious, that he, for one, could never consent to it. Some discussion had been had as to the import of the words "worship of God." He was sure that if some of the original endowers of these chapels were to see the proceedings and the nature of the "worship" which took place there, they would rather have been burned to death at Smithfield than have left their money to be applied to such purposes. The noble Lord, after some further observations, which were interrupted by general cries of "Question, question," concluded by declaring that he should cordially vote for the Amendment of the right rev. Prelate.

The Earl of *Galloway* rose, amid cries of "Question," and "Divide," and assured their Lordships, that however he might otherwise be disposed, he certainly should not think of occupying their Lordships at that hour of the evening, and in the then state of the House, beyond a very few minutes, and that only by way of explanation, as he had been referred to by two noble and learned Lords. The noble and learned Lord on the Woolsack had, in the course of his speech, more than once alluded to the humble individual who had the honour of addressing their Lordships. But he could assure that noble and learned Lord, he had fallen into a great mistake in supposing that he (Lord Galloway) had been so presumptuous as to threaten to put himself in the fore-front of the battle going on that night in their Lordship's House. He did trust he had formed too just an estimate of his own parliamentary stature to venture on so unequal a contest. It was true he had, on a former night, entered his remonstrance against a proposition volunteered by a noble and learned Lord on the opposite side of the House, that any Motion for the postponement of the Commons' Amendments would be an unworthy mode of endeavouring to defeat the Bill; and he had observed on that occasion, that such mode of procedure would, at least, be more worthy than that which he understood to have been adopted in respect of the third Clause of the Bill, by which another noble and learned Lord, who had just spoken, had introduced a material alteration affecting the rights of parties without public notice. The right rev. Prelate, who had that night opposed the further progress of this measure in so able and argumentative a speech. He so forcibly illustrated the effect of the proceeding complained of in respect of the 3rd Clause, that he (Lord Galloway) should not have thought it necessary to allude to it again, had it not been for what had just fallen from the noble and learned Lord in question, who had just challenged him to an explanation, wherefore he begged leave to read to the House a short passage which had met his eye, and which had been the origin of the remark he had made on the occasion already referred to, and which had given offence to the noble and learned Lord. It was from a Petition to the House of Commons from the Moderator of the General Synod of Ulster, and had been published. The passage ran:—

"To the 3rd Clause of this Bill Petitioner begs leave still further to object. First, because it contains a retrospective enactment, forming no part of the Bill, as originally printed before it came to your Honourable House, and one which bears the marks of its hasty origin, by actually contradicting the marginal reference to its contents, which still remains unchanged.

"Secondly, because the parties interested in pending suits were lulled into security by the original form of the Clause, and were ignorant of the alteration affecting their rights until it was printed by your Honourable House, and consequently, were thereby prevented from petitioning to be heard by counsel in the House of Lords.

"Thirdly, because it appears to Petitioner, that to give any Act of Parliament such retrospective effect, as to reverse at the request of interested parties the judgment—not indeed technically pronounced—but yet arrived at, and publicly declared, and that under the most solemn obligations, and in the highest Court of Equity in Ireland, cannot be intended to prevent litigation, where litigation had already terminated."

Their Lordships and the noble and learned Lord opposite were now in possession of all to which he had alluded. He (Lord Galloway) having been absent in Scotland during the discussions on the Bill before it had gone to the Commons, and observing how great the excitement was in the country on account of it, had been really anxious to learn what urgent necessity there could be for passing such a measure in the face of so strong a demonstration of public feeling against it. He had certainly learnt nothing that night to satisfy him of either its necessity or propriety; therefore, though grieved to vote against the Government—but satisfied the Government itself could only respect or desire an honest and independent —and not a servile support,—and having conscientious objections to the Bill, he should certainly vote for the Amendment of the right rev. Prelate.

Lord *Lyttelton*, amid cries of "Question," said he must support the Amendment, and wished briefly to state on what grounds. He declared himself decidedly satisfied with the case of the Unitarians, thinking it had been conclusively established on historical grounds, upon which it should be left to rest. But, with all deference to legal authorities, he must say he believed the 2nd Clause would have the effect of introducing a new general principle into the construction of trusts. This was stated by Chief Justice Tindal in delivering the opinions of the judges in Lady Hewley's case; "where a doubt arises," (said the Chief Justice), "on the true sense of the words themselves, or any difficulty as to their application in surrounding circumstances, the meaning of the language may be ascertained by evidence *dehors* the instrument itself." Now, the language of the 2nd Clause was, that nothing should be admitted against 25 years' usage, except the express words of the deed, or of others referred to in it. Surely nothing could be more opposed than evidence on the face of a deed, and evidence *dehors* the deed. And the effect of the Clause was, to narrow and limit the field of evidence as to the construction of the trusts. Though, therefore, he had no objection to the introduction of a measure especially to relieve the Unitarians, he considered the present neither safe nor necessary.

Their Lordships then divided on the question, that the said Amendment be taken into consideration on this day three months:—Contents 41; Not-Contents 202: Majority 161.

List of the Not-Contents.

Lord Chancellor
DUKES.
Buccleuch
Cleveland
Leinster
Norfolk
Richmond
Wellington.
MARQUESSES.
Bute
Camden
Clanricarde
Exeter
Lansdowne
Normanby
Winchester.
EARLS.
Auckland
Aberdeen
Belfast
Besborough
Beverley
Cawdor
Charlemont
Clarendon
Courtown
Cowper
Dalhousie
Dartmouth
Delawarr
Effingham
Fortescue
Haddington
Hardwicke
Harewood
Harrington
Home
Jersey
Leitrim
Liverpool
Lonsdale
Lucan
Manvers
Minto
Morley
Morton
Radnor
Ripon
Rosslyn
Scarborough
Shaftesbury
Somers
Talbot
Verulam
Warwick
Wicklow
VISCOUNTS.
Canning
Canterbury
Gage
Hawarden
Hereford
Melbourne
Melville
St. Vincent
Torrington
BISHOPS.
Durham
Norwich
LORDS.
Abinger
Bateman
Beaumont
Brougham
Camoys
Campbell
Carew
Carrington
Colchester
Cottenham
Colborne
Crofton
De Freyne
Foley
Forrester
Gardner
Hatherton
Kinnaird
Langdale
Lilford
Lurgan
Monteagle of Brandon
Montfort
Polwarth
Ravensworth
Redesdale
Rivers
Saltoun
Sandes
Strafford
St. John
Sudeley
Suffield
Templemore
Tenterden
Wharncliffe

Then the original Motion was agreed to; and the other Amendments were also considered and agreed to.

House adjourned.

HOUSE OF COMMONS,

Monday, July 15, 1844.

MINUTES.] BILLS. *Public.*—2°. Grand Jury Presentments (Dublin); Party Processions (Ireland); Trafalgar Square; Duchy of Cornwall Assessionable Manors; Duchy of Cornwall Lands; Western Australia; Farm Buildings; Parish Constables; Loan Societies.

Reported.—Soap Allowances.

Private.—1°. Devaynes's Estate.

2°. Cheape's Divorce; Tralee Navigation and Harbour.

3°. and passed:—London and Croydon Railway (No. 2).

PETITIONS PRESENTED. By Mr. Evelyn Denison, from Southwell, respecting Church Leases.—By Mr. Hume, from Paisley, and by Mr. Wallace, and Mr. Williams, from Glasgow, for Extending Factories Act to Bleaching Works.—By Mr. Masterman, from Company of Parish Clerks, against Parish Clerks Bill.—By Mr. Leader, from St. James's, Westminster, against Poor Law.—By Mr. J. Power, from Kilmore, against Alteration of Poor Relief (Ireland) Act.—By Mr. Hutt, from Gateshead, complaining of Opening Letters.—By Mr. Fitzmaurice, from J. H. Rolls, for Inquiry.—By Mr. Wyse, from Irish Proprietors, respecting State of Ireland.—By Mr. Wyse, from Ireland (4), for Inquiry respecting State Trial.

POOR LAW.] House in Committee on the Poor Law Amendment Bill.

On Clause 36; Commissioners from districts to provide asylums for the houseless poor,

Mr. *Christopher* complained that the Clause was not sufficiently extensive. He did not mean to oppose it; but he wished to direct the attention of the House to the state of the houseless poor in the rural districts. On the introduction of the Poor Law, vagrant boards were appointed in some unions; but he contended that they ought to be established in all, and that the expense would be much less to send them to those temporary asylums than it would be to send them to the House of Correction.

Sir *J. Graham* said, that the point which his hon. Friend was discussing had no relevancy to the Clause before the Committee. The fact was, the guardians had now a discretionary power to establish such vagrant asylums. By Clause 51, to which they would soon come, the expense of relief to casual poor would be defrayed by the whole union, instead of the particular parish to which they belonged, and instead of being sent about from post to pillar as heretofore. By that Clause to which he referred, parishes would not have an interest in passing the poor along without relief, until they got to their own parish; and he had no doubt that the practical effect of that would be the establishment of such asylums as the hon. Member for Lincolnshire referred to.

Colonel *Wood* said, that by a regulation made by the Commissioners, every really destitute person applying at the workhouse for relief was taken in and provided with a bed for the night and breakfast in the morning; but it was soon found that the effect of such a provision would be to cover the country with trampers, and that poverty would be aggravated instead of mitigated, and the Poor Law Commissioners found it necessary to issue another order, providing that all persons so relieved should be compelled to work for four hours before they were allowed to go on their way, as some compensation for the relief given them. This, however, operated as a great hardship upon the sailor who was on his way to join his ship, or the person who was going to obtain work in another part of the country. He thought the better course would be to provide such persons with the shelter for the night which they required, in the police station-house, not as a punishment, but as being the readiest way of extending such relief. He should propose that the Clause be rejected altogether.

Mr. *Hawes* totally differed with the hon. Member for Brecon as to the propriety of sending poor persons, who had committed no crime, to the police station-house, like criminals. He hoped the police would have nothing to do with the administration of poor relief. He thought, however, they had no sufficient information to justify them in passing these Clauses. He, for one, must object to giving to the Commissioners a power which would occasion a material increase in the amount of poor-rates. Indeed, he gathered from the Reports of the Commissioners themselves, that they entertained great doubts as to the propriety of such a provision as was contained in this Clause. He apprehended that the Poor Law Commissioners and the Secretary of State had now full power to make general regulations for the relief of the casual poor. He warned hon. Members against allowing their sympathies to be enlisted only in favour of the pauper, without reference to that large part of the population who had to pay rates, though scarcely removed from pauperism themselves.

Sir *J. Graham* regretted to find that the hon. Member for Lambeth joined with his hon. and gallant Friend the Member for Brecon in resisting this Clause. His hon. and gallant Friend seemed to think that destitution, coupled with the absence of all shelter for the night, was a sufficient proof of criminality to entitle a man to be confined in a cell in a station-house amongst criminals [Colonel *Wood:* No, no.] Was it not better to provide district asylums for the reception of the casual poor, where they might be sure of receiving food and shelter for the night, or for three or four days if necessary, than that they should be committed to gaol as vagrants? As the law now stood, it was indispensably necessary to provide relief for those who were destitute and could not maintain themselves; for orphan children; destitute children and poor children were also to be educated out of the rates; casual and houseless poor were to be relieved out of the rates, and the police were also paid from the rates; but he had yet to learn, that it was good economy to confound all these normal classes together, instead of making a separation for each. His belief was, that when the power was given, a due consideration of economy would lead the district boards to make the provision contemplated by the Clause. The subject had been forced on his attention by what had occurred last winter, when so many of the houseless poor in this metropolis were found in the severest weather sleeping in the door-ways, and under arches, being unable to obtain shelter from the inclemency of the season, but he altogether rejected the assumption that such persons, because they were houseless and destitute, and having committed no offence, but being destitute in the depth of winter, and begging from necessity, were to be treated as criminals. He believed that the infirm of their asylums, in well-selected localities, would supply the means to the policemen, of taking such poor persons to a known place of refuge at all hours, when he would be certain to find shelter and food if well, and proper attention if sick, performing, in return for it, if able, a task of work, to defray in some degree the expense of the humble assistance so given; and he was quite sure that the duties of Christianity and humanity would be much better provided for by such asylums than by the present practice of sending casual poor about from parish to parish, until they should find one that was humane enough to relieve them. The hon. Member for Lambeth had said, that the Reports of the Poor Law Commissioners did not recommend this Clause, but if he would refer to the 10th Report, made in 1841, the subject was fully entered upon, and some such provision as regarded the casual poor in the metropolis, was recommended; and he (Sir J. Graham) knew, of his own knowledge, that such a provision was not at that time contemplated. But he did not rest the case on the recommendation of the Commissioners, but upon his own experience of what had taken place during severe winters in the metropolis. He fully admitted the necessity of looking to the interests of the poor-rate payers, but he denied that under proper regulations, any extra burthen would be thrown upon them by this Clause.

Mr. *B. Cochrane* heartily concurred in the humane views of the right hon. Baronet (Sir J. Graham), and deprecated the monstrous proposition of the hon. and gallant Member for Brecon with reference to the houseless poor. He thought the Government should take those asylums into their own hands, otherwise the expense of poor laws would amount to 8,000,000*l.*, as it did under the old system. It had already increased from 4,000,000*l.* to 7,300,000*l.*

Mr. *Wakley* contended that the present state of the law made casual relief a very great burthen in some parishes, while to others it did not involve a penny expense. He fully approved the object of the Clause, which, in combination with the 51st Clause, would have a most beneficial effect. He objected, however, to the mode in which it was sought to be carried out. He thought that the principle ought to be carried out in all parts of the country, for if there were only a few such asylums, the case of the casual poor would be made worse by having long distances to walk before they could get relief.

Mr. *Borthwick* would support this Clause because its tendency would be to diminish vagrancy. At one period last year there were as many as 2,000 casual poor in London wholly unprovided for, and that number he believed to be made up largely of labourers who came from the agricultural districts in the hope of having their wants more readily relieved. He thought that there ought to be district asylums in every Poor Law union throughout the country, as the effect of such an arrangement would be to furnish an easy mode of removal from parish to parish, and to suppress sturdy beggars.

Sir *J. Graham* with reference to the remarks which had fallen from the hon. Member for Bridport, could only say that he had always regarded the question of expense as a secondary consideration in the administration of the New Poor Law. At the same time, however, he did not anticipate that the expense which had been alluded to would be so great as had been conjectured. Altogether, he maintained that the poor were better cared for, relief was more fully and freely administered to them, and every possibility of curing their miserable position more attended to under the new than under the old Poor Law.

Mr. *T. Duncombe:* The more he heard the Clause discussed the more he regretted that the Bill was encumbered with it. It was, he conceived, quite unnecessary to introduce such a Clause into a Bill for the relief of the poor generally. The right hon. Baronet had stated it to be his belief that the effect of the Bill would be the addition of vagrant wards to the unions all over the country. What, however, would be the fact? There would be two boards of guardians administering relief in the same workhouse. If the arrangement proposed was good for the metropolitan districts, was it not also good generally? If the measure was to be applied to Liverpool, Leeds, Birmingham, Manchester, and Bristol, as well as to London, what were to become of such populous towns as Sheffield, Huddersfield, Newcastle, and such like? He had a petition to present from Leeds, praying to be exempt from the operation of the Bill. Last year there was a subscription got up for that portion of the poor for which the Clause now under discussion proposed to legislate. The right hon. Baronet expressed his confidence that vagrants would apply for relief to the asylums thus proposed to be prepared for them, but he believed not because it would become a part of the workhouse system. If anything was to be done with the casual poor, it ought in his opinion, to be by an Amendment of the Vagrant Act. Upon these grounds he would oppose the Clause.

After some further conversation, the Committee divided on the question, that the Clause stand part of the Bill:—Ayes 83; Noes 6; Majority 77.

List of the Ayes.

Ackers, J.
Adderley, C. B.
Arundel and Surrey, Earl of
Ashley, Lord
Barnard, E. G.
Barneby, J.
Barrington, Visct.
Bentinck, Lord G.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Buck, L. W.
Buckley, E.
Burroughes, H. N.
Campbell, J. H.
Cavendish, hon. G. H.
Chelsea, Visct.
Chetwode, Sir J.
Christopher, R. A.
Cochrane, A.
Cowper, hn. W. F.
Cripps, W.
Dawnay, hn. W. H.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Ferrand, W. B.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Forbes, W.
Forman, T. S.
Forster, M.
Fox, S. L.
Gaskell, J. Milnes
Gore, M.
Grosvenor, Lord R.
Hale, R. B.
Henniker, Lord
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Howard, Lord
Howard, P. H.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Knight, H. G.
Langston, J. H.
Lennox, Lord A.
McGeachy, F. A.
Manners, Lord J.
Meynell, Capt.
Milnes, R. M.
O'Brien, A. S.
Peel, J.
Powell, Col.
Pringle, A.
Protheroe, E.
Rolleston, Col.
Round, J.
Somerset, Lord G.
Sutton, hon. H. M.
Thesiger, Sir F.
Thornhill, G.
Vane, Lord H.
Vesey, hon. T.
Waddington, H. S.
Wakley, T.
Wawn, J. T.
Williams, W.
Wodehouse, E.
Wortley, hn. J. S.

TELLER.

Young, J.
Baring, H.

List of the Noes.

Arkwright, G.
Duncombe, T.
Gardner, J. D.
Henley, J. W.
Napier, Sir C.
Pechell, Capt.

TELLERS.

Wood, Col.
Hawes, B.

The House resumed. Committee to sit again.

Mr. Wakley, M. P.] Mr. *Wodehouse* said, perhaps the House will allow me to say a few words upon a matter of personal interest to myself. It has been intimated to me that the explanation which I gave the hon. Member for Finsbury on Saturday was not so satisfactory as that hon. Gentleman had a right to demand. I have no hesitation in saying, that I then acted under an erroneous impression with respect to the trial to which I referred. The hon. Member for Finsbury appears to me, by the explanation which he has since given, to have had a verdict distinctly in his favour, and it also appears that all which followed afterwards was equally in his favour. I therefore feel, that as I may have been the instrument of injury to the hon. Gentleman, it is now my bounden duty to do my best to be the instrument of reparation. It is a duty which I owe, not only to himself in the first instance, but in the next place, to all those who are connected with him by relationship, and lastly, to all who are connected with him by public representation, to make the explanation which I now make; and I hope it will not be permitted to go further, for I tender it as due from one Gentleman to another, and I am obliged to the House for the opportunity it has afforded me of making this further explanation.

Sir *R. Peel* said, with regard to what has fallen from the hon. Member for Norfolk with reference to an insinuation which he made against the hon. Member for Finsbury, I feel that the explicit declaration which has now been made must have convinced every one that the hon. Mem- Member for Finsbury is an honourable and an innocent man, and I think that hon. Gentlemen may retire from the House to-night with a full understanding that he has had complete reparation made to his injured feelings, and with as much right to hold himself perfectly erect in public estimation as any hon. Member. I must say, too, that this explanation is in unison with the unanimous feelings of the House.

Mr. *Wakley* then said, I cannot refrain from expressing my gratitude to the hon. Member for Norfolk for the kind explanation which he has given, and offering my grateful acknowledgments to the House, for the handsome manner in which they have treated me on this painful occasion. At the same time, I beg to say, that I receive the acknowledgment of the hon. Gentleman with that spirit of frankness with which it has been made; and I feel convinced that he cast an imputation on me, which he has not felt himself justified in doing under the circumstances which have since come to his knowledge. In saying this, I am bound to state, that I consider this acknowledgment will be most satisfactory to every member of my family, and I have a particular motive in making that declaration.

PRIVILEGE—THE DUKE OF RICHMOND.] Mr. *Christie* said, the House would no doubt expect, after the remarks which had been made elsewhere, and which were now become public, that he should come forward and either substantiate, explain, or withdraw the charges which he had made against a noble Duke. It would be recollected that he had on a former evening refused to give an explanation. He would now state, that although he had had doubts at the time, he felt he had acted properly in postponing that explanation, and, having maturely considered all the circumstances, he now felt himself justified in going further in the way of explanation than he should have done if he had spoken at the time the noble Lord, the Member for Colchester, complained, and not unnaturally, he confessed. The noble Lord had complained of an assertion that he had made, to the effect that a noble Duke (the Duke of Richmond) had conspired to prejudice the claims of the plaintiffs in the late gaming transactions—that the noble Duke had abused his position as Chairman of a Committee in another place—and that his conduct could reflect no credit on the noble Duke, or those with whom he was associated. With regard to the first two points, it appeared from what had passed in the other House, that there was presumptive proof that the noble Duke had been guilty of an irregular proceeding; but with respect to the other imputation—namely, "that the noble Duke had abused the privilege of his position, and that the circumstance reflected no credit on himself, or on those who were associated with him," he felt bound to acknowledge that there was no presumptive evidence upon those points, and that even if there had been such presumptive evidence, he should scarcely have been justified in making such statements so broadly and unreservedly. He therefore felt it to be incumbent on him to withdraw those statements unequivocally and unreservedly. The noble Duke had accused him in another place of attributing to him motives on which he should have been ashamed to act himself, and under the suspicion of which no honourable man could hold up his head in this country. He (Mr. Christie) acknowledged, that he having used the words in question, the noble Duke was justified in so speaking, but as he had now withdrawn the charge he made against the noble Duke, he trusted the House would exonerate him from the noble Duke's attack. With regard to the noble Duke's motives he had, in fact, said nothing, and all he had left to be inferred was, that as the noble Duke had a strong opinion upon this subject, he had taken a course which he (Mr. Christie) deprecated as unfair towards the parties whom the noble Duke opposed, and he had connected the noble Duke with the subject by name because he knew enough of the forms of the other House of Parliament to understand that it was impossible for any one but the Chairman of the Committee to communicate in manuscript the evidence which had been taken by that Committee. In stating his opinion on these points, however, he had not intended to impute to the noble Duke any motive that was dishonourable.

Lord *A. Lennox* hoped the House would indulge him for one minute, to remark on what had just fallen from the hon. Member. He must say that what the hon. Member had stated did go to prove, very strongly, the great evil of Members making charges which they could not substanstiate; and he must add, that he thought it was incumbent on the hon. Member, on account of his position in the House, and on account of his position as a man of honour and a Gentleman to have taken an earlier opportunity of affording the explanation which he had just given.

Hill Coolies.] In reply to a question from Mr. D. Maclean,

Lord *Stanley* was understood to say, that the Government had sent out instructions to the Governor General of India to remove the regulations which prohibited the emigration of Hill Coolies. With regard to the manner in which the local Governments of the West-India Colonies should provide for their introduction, he had thought it most desirable to submit that question to those authorities themselves, it of course being for the Legislature of this country to consider hereafter the conditions upon which they proposed to arrange the matter. As to whether Parliament should give its sanction to the proceeding in the shape of a guarantee of any sort, for money or otherwise, the question was one of altogether too much importance to submit to Parliament at this period of the Session, and upon the whole also he thought it would be most desirable that they should delay any legislation upon the point until the local assemblies were ready to submit to Parliament the conditions upon which they proposed to conduct the immigration.

Commercial Treaty with Russia.] Mr. *Wawn* asked whether the Government intended to take any measures to place on a footing of reciprocity the traffic carried on between this country and Russia by vessels built less than three years?

Mr. *Gladstone* said, that one of the regulations of the Russian Treaty was, that Russian vessels built less than three years should be exempted from certain dues in English ports. He apprehended that we could not ask for a like concession in respect of English-built ships without conceding other advantages.

Viscount *Palmerston* hoped he might be permitted to ask what were the advantages now granted to us by Russia under this Treaty which afforded us a compensation for the disadvantage?

Mr. *Gladstone* said the Treaty itself would best answer the question; but he would mention as one advantage the privilege which we had secured for the admission of English ships into all Russian ports without any reference to the quarter whence they came.

The State Trial (Ireland).] Mr. *Wyse* rose to move for a Select Committee to inquire, in accordance with the prayer of the petition presented on the 17th of June, into the facts connected with the formation of the special jury in the case of "The Queen, at the prosecution of the Attorney General, v. Daniel O'Connell and others." The hon. Member, after presenting various petitions on the subject, proceeded to say, that in submitting this Motion to the House, he came forward upon no insufficient ground, at no improper period, and upon a subject in which he believed every part of the empire felt an interest. He said he came forward on no insufficient ground, for he had presented to that House on the 21st of March petitions signed by 750,000 inhabitants of Ireland, praying for an immediate inquiry into the circumstances of this case; and when to that were added the petitions he had presented that evening, signed by not less than 26,000 persons, reciting the same prayer (and he understood that others were now on their passage), the petition which was presented from the solicitor for the traversers, important from the minuteness of the circumstances it detailed, and the petition he had before referred to, not from men connected with Repeal Associations, but signed by many who were in direct hostility to Repeal, who from their long acquaintance with Ireland, their high rank and ancient descent, might be said to represent the aristocratic feeling of that country, he thought it would be admitted that he had some claim to their attention. He had not come forward at an improper time. During the entire time that this subject was agitated in Ireland, in the courts of justice or the assemblies of the people, he had abstained from mentioning it; and now, whilst the question was pending in the other House of Parliament, he would not have touched upon the subject, were he not convinced that what he said that evening was not to be precluded by the discussions and deliberations of the other House. He trusted he should be able to show that it was a totally distinct portion of the subject, and in no degree anticipated or attempted to influence the opinions of the other House of Parliament; and as to the subject itself, surely there never was one which demanded more the attention of that House. He was no lawyer, and yet this subject was full of legal details. He had not had the advantage of being personally present at the transactions to which he should allude, and least of all, after the eminent men who had discussed this subject could he claim any share of their attention which in other instances he might have demanded; but he was an Irish Catholic and represented an Irish Catholic constituency, and he could not but feel in common with the great mass of his fellow-countrymen a deep interest in this trial. He could not but feel that Mr. O'Connell was an eminent man in the age in which he lived —that it was to his exertions that millions of his fellow-countrymen were indebted for throwing open the gates of the constitution, and to which he owed the power of then addressing them. But that was not all; if Mr. O'Connell was an Irishman, he (Mr. Wyse) must remember also that he was a Catholic, and that he had had no Catholic on the jury; that he was an Irishman, and was judged by a tribunal which, as they had heard in that House, in England with an English jury and an English judge, he would not have been exposed to. Upon these grounds he thought he had a right to demand their attention. But he argued it on broader grounds. He knew that this was a question which, however they might think it was at the present confined to Ireland, must sooner or later advance to themselves. It was one to which sooner or later a remedy must be applied. The worst evils to a country were those which crept in under the sanction of justice, which were furtively consigned to the Statute Book. We lived in days in which to practise open tyranny was impossible— when Governments were too prudent to be violent—when they could not assault, but might undermine the Constitution. It was from those intruments to which the people looked for protection that such evils must be apprehended. Give him a people where they had a free discussion, under the ægis of protecting laws, and he cared not what administration or what legislature they had; sooner or later the people would have the means of vindicating their rights and replacing themselves in that constitutional position of which they had been deprived; but take from them that right of free discussion, and of the only guarantee of that—a fair tribunal for the trial of causes, and then all the advantages of the balance of the powers of the constitution would be at an end, and those rights would be merely temporary and provisional. He would limit himself in a great degree to facts—those facts had been admitted, and it was upon them that he must look to the House for redress. If he could show that there were grounds for inquiry, then there was a sufficient reason for him to demand a Committee. They were in the character of a grand jury—an indictment was prepared, and it was for him to show, as there was a difference of opinion between parties on one side and on the other, that there was ground for maintaining the opinion which he entertained. It had been the object of the Government for many years to neutralise the question of Repeal of the Union. It was considered a matter of importance either to exorcise it from the country or to crush it—either to persuade the gentry away from it or expel it by main force. There were many who looked upon it as a magnificent impossibility, others who regarded it as a probable event. Some argued that it would be good if it were carried, others thought not only that it could not be carried, but that if it were it would be fraught with danger and evil to Ireland. Those who were opposed to Repeal on abstract principles looked upon it generally in an English point of view; whilst Irishmen might be pardoned for indulging in occasional dreams of nationality, however little prospect there might be of realizing them. But there was another party who looked upon it as treason against the fundamental laws of the Constitution. Each of those parties was necessarily guided by their several opinions in attempting to get rid of the question. Those who looked upon it as a national vanity, as one of those questions that must occasionally arise in the history of all nations, were not disposed to task it too severely, but rather looked upon it as embracing and expressing the opinions of a great portion of the people upon grievances which they actually felt, than as a question which had in itself vitality, or likely to be carried. They considered that if proper redress were afforded, all these untoward manifestations would necessarily disappear, and that by a series of good measures and various important alterations in the policy of the country the desire for Repeal might be allayed, if not altogether subdued, and they indulged the hope that the time would come when it would entirely disappear from the country. But there was another party, who looked upon it as an integral and serious measure—who, coming into power, could not adopt the measures of their predecessors, and who felt themselves obliged to take measures which would completely crush Repeal by violent means, or recur to fraud, if it could not be otherwise effected. To use force to repress it—to use violent means, was out of the question. What were the means by which that must be done? Would it be by coming to that House for a Coercion Bill—for a Bill to make the discussion of Repeal treason against the Crown and the security of the realm? If by any circumstances such a Bill could have been converted into a law it would have merely shifted the discussion of Repeal to another question. It would not have extinguished it, but would have made it a question of repealing that Act which prevented their discussing the subject itself. They were all familiar with the meetings that took place during the last Session, and the appeals that were made to the Government in that House on the subject. By late evidence it appeared that, quiet as the Government seemed to be, they were not altogether inattentive to it. There was an obvious course open to them—that of attacking the meeting which Mr. O'Connell had summoned of the General Convention to be held in Dublin to consider a plan for the renewed action of the Irish Parliament. That body was to be composed of a number of members summoned from every part of Ireland, though undoubtedly not on the ground or in the form of a Parliament or a delegation in direct opposition to the Convention Act. It was thought that the Government at that period—at the close of last Session—would have waited for the assembling of that Convention, and, had they done so, there might perhaps have been less ground of complaint, inasmuch as it would have been in direct violation of an Act of Parliament. But the Session had not long closed when the Government anticipated the meeting which was to be held in November, and immediately attacked the first meeting which was to be held, viz., the meeting at Clontarf, near Dublin; but not content with attempting to suppress that meeting they proceeded to those prosecutions which formed the subject of this inquiry. Whether the Government upon that occasion were too late or too soon—whether they had acted with hesitation or with prudence—whether it were a wise course to risk, at so late a period, the chance of a collision with an excited people—or whether it would not have been sufficient for this purpose to have instituted the prosecution without noticing the meeting, it was not his intention at present to discuss. But before that House had been placed evidence, clear at least in his mind, that it was a sudden and unforeseen act on the part of the Government, arising, by their own showing, out of certain expressions that were used at that hour of the day, which could not be entertained as anything like a serious ground of apprehension by those who knew from whom the placard in which those expressions appeared proceeded, and what was the general feeling in the country about the author. It did appear to the country at large most improper that the meeting to which he alluded, and which was the last of a series, should be chosen for interference on the part of the

Government. It was now apparent that there had all along been an intention on the part of the Government to indict these parties for conspiracy; and there seeming tranquility had, in a great measure, induced the crime which the Government afterwards sought to punish. His impression was that there had been an opinion on the part of the Government that a treasonable correspondence was carried on between certain members of the Repeal Association and the Government of America. It was, he believed, pretty generally known now that one individual gave information to the Government to the effect that a treasonable correspondence was carried on between Mr. Steele on one side, and the son of Mr. Tyler, the President of the United States, on the other. The impression he entertained was confirmed by the language which had been used by the Attorney-General for Ireland at the commencement of the trials. The first bill of indictment had scarcely been placed before the Court when the Attorney General announced his intention to prefer a second Bill. The language used by that right hon. and learned Gentleman on the occasion to which he referred deserved the attention of the House. The Attorney General for Ireland said—he believed on Wednesday, the 8th of November—

> "I must trouble the Grand Jury to give its attendance in the morning. There is another Bill to go out against all the defendants. I do not think, Gentlemen, it will occupy much of your time; but I must request you will attend to-morrow morning."

But previously to that declaration, when the first Bill was presented, the right hon. and learned Gentleman made this observation—

> "If the present Bill before the Grand Jury is found, we shall undertake to establish as wicked and as foul a conspiracy as ever disturbed the Empire."

He did not know whether that language was to be regarded as applicable to the Bill of Indictment which became the subject of the trial, or to the second Indictment sent up to the Grand Jury, but he was inclined to think that after the first indictment had been sent up to the Grand Jury, charges of a more serious nature were preferred in the second indictment, and those charges not being substantiated by sufficient evidence, the Government were obliged to drop the second bill, and to content themselves with trying the defendants on the first. He did not profess to be competent to judge of the conduct of the trial with regard to legal matters, but, as one of the people, though an unprofessional man, he had a right to form his opinion of the impression which had been created in the minds of the people with reference to the manner in which the proceedings were conducted. He did not hesitate to say, then, that a general conviction prevailed among the people that, throughout the proceedings, the persons who conducted the prosecution had manifested a disinclination—putting out of consideration all legal technicalities—to give the accused those advantages which they had fairly a right to demand. He would instance the conduct of Mr. Kemmis, the Crown Solicitor, with reference to Mr. Bond Hughes, Mr. Hughes made a mistake as to the identity of Mr. Barrett; he afterwards discovered that mistake at Judge Burton's, and communicated with Mr. Kemmis on the subject. Mr. Hughes afterwards found that informations were about to be lodged against him for wilful and corrupt perjury; but even at that time Mr. Kemmis took no steps to correct the mistake. The same course was pursued throughout the proceedings—with reference to the demand for copies of the indictment, and for the names of the witnesses. In all those cases the Crown exercised its rights—he would not say in a spirit of hostility to the traversers, but, at least, with an utter absence of that fairness and generosity which he conceived ought, in such a case, to have characterized the conduct of the prosecutors. A demand was made on the part of the traversers for a copy of the indictment. The English law required, that an accused person should be informed of the nature of the accusation made against him, and of the names of his accusers. It was required by statute, that certain conditions should be fulfilled, in order to give validity to a bill of indictment. It was required that the names should be properly endorsed and signed. Was it unreasonable, then, on the part of the traversers to ask the Crown to give them an opportunity of judging whether or not the conditions required by the statute had been complied with? The application was, however, refused, and it now appeared that the names on the bill were not duly endorsed and signed. The refusal of this application was grounded on the apprehension that advantage might be taken of its concession to interpose delay at the commencement of the trial. The same course was adopted with reference to the caption. But the great feature of the case was, as he conceived, the manner in which the Jury had been constituted. If the Jury were constituted unequally or partially it was vain to talk of the impartiality of the Judge, or the crime of the accused. He would show the House what had been the course adopted in this case as to the constitution of the Jury; and he would say to that House, as the protectors of the liberties of the people, as the conservators of that great palladium of the English people—trial by jury—"Inquire into the facts of this case; justify yourselves from the imputation of being participators in the atrocity committed in the case I am now bringing before you; if you be an Anglo-Irish Parliament, convince the Irish people that you are their friends, and do not force upon them the absolute necessity of dissolving the Union, and of recurring to their own legal tribunals." The facts with reference to this point were stated very clearly and concisely in a petition presented a few days ago to that House from the solicitors to the traversers. That petition had been met by a counter-petition; and he begged the attention of the House while he compared the statements of those petitions with regard to the principal points of the case. The first statement of the traversers' solicitors was, that Mr. Justice Burton, in his charge to the Grand Jury, truly described the case as awful in its consequences, and one which ought to be tried only by a Jury constituted in such a manner as to place it above suspicion. But the statements which had been made showed that it was altogether impossible, from the manner in which the Jury list had been constituted, that more than a very small proportion of Roman Catholics could be placed upon the Jury. An application was made to the Court for the postponement of the case until the Special Jury List for 1844 came into operation. That application was opposed by the Attorney General, but the objection was overruled by the Court, and the case was accordingly postponed. But he could call the attention of the House to the duties discharged by various officers in the preparation of the Special Jury List. An alteration was made in the old law on this subject by the 3rd and 4th William IV., c. 93. By that Act there was to be an annual revision of jurors in every county and city throughout Ireland. The collectors of the Grand Jury Cess, on precept from the Clerks of the Peace, were required to return lists of persons, in alphabetical order, liable to serve on juries, with their true place of abode, their title, quality, calling, or business, and the nature of the qualification of every man; these lists were to be open for public inspection. The ninth section of the Act defined the duties of the Justices of the Peace (the Recorder being the Judge for the City of Dublin) in relation to the revision, which were—to fix a place and time for holding a Special Sessions for the purpose of examining the said lists of jurors, at which the collectors' lists which had been lodged with the clerks of the peace were to be produced, considered, reformed, and allowed; to strike out names of persons not qualified and to insert in such lists the name of any man omitted therein, and to reform any errors or omissions which should appear to them to have been committed in respect to the name, place of abode, title, quality, calling, business, or the nature of the qualification of any man included in any such list; and when every such list should be duly corrected and allowed and signed by them or three of them, justices (the Recorder being the person for the City of Dublin), they should cause one general list to be made therefrom, containing the names of all persons whose qualifications should have been so allowed, arranged according to rank and property, and should deliver the same to the Clerk of the Peace who should thereupon cause the same to be truly and fairly copied in the same order, with proper columns, and should deliver the same to the Sheriff, &c. The 24th section gave the explanation of the terms "rank" and "property," where it directed the sheriff as to the persons whom he shall place on the Special Jury panel. By it the classes were sons of Peers, Baronets, Knights, Magistrates, persons who had served, or had been returned to serve as Grand Jurors at the Assizes; all bankers, wholesale merchants who did not exercise retail trades, and all traders who were possessed of personal property of the value of 5,000*l.*, and of the eldest sons of such persons respectively. It was also appointed by this act, that the annual revision of the collectors' lists, from which the Jurors' Book for the year 1844 was to be made up, should commence on the 14th day of November last, and such revision did commence to be holden on that day before the right hon. the Recorder. It had been represented to him; that on that occasion, the Court of Revision presented a scene closely resembling that exhibited at a contested election. The Conservative interest was represented there as well as the repeal interest. But the repeal interest stood in this position—they were the traversers, they were the accused parties, and it was natural that they should be anxious to protect themselves from the charge of tampering with the lists of jurors by whom the case now under consideration was to be tried. He learned from the petition to which he had referred, that the solicitors on behalf of the Conservatives were Messrs. Wauchob and Jackson, the former being the conducting agent for the Conservative candidates to represent the city of Dublin at the last two elections, and employed at several preceding elections for said city in opposition to Mr. O'Connell, the leading traverser, and also employed by the Conservative party at the several revisions of the burgess roll, in opposition to the franchises of the great bulk of the citizens, the latter being conducting agent at elections for the county of Dublin, and for the Conservative candidates. During the revision the solicitors for the traversers applied to Magrath for an opportunity of inspecting the list, to be permitted to compare the list with the one which had been made. This was a public document, and ought to have been open to inspection. He was aware that the Recorder (whom he was extremely sorry to say was not in the House) had on a former occasion said that the list was covered with private notes which he himself had made. The right hon. Gentleman may have considered the document private; but he could not see how such a list could be viewed otherwise than as a public document, to which the traversers might have access. They complained that they were prohibited from comparing the list. But was that the case of Messrs. Wauchob and Jackson? Were these Gentlemen prevented from making a full comparison of all the lists? They were permitted to compare the whole of the lists. How had Magrath met these facts? He stated that a comparison was allowed, as stated in the seventh paragraph; but he could not say whether the comparison was correct or not. The petitioner did not at the time think it was wrong to allow such comparison to be made; but, upon informing the Recorder that he had allowed this comparison to be instituted (but this information was not made until some time afterwards), he blamed the petitioner for allowing any person connected with the party to have access to the list, particularly as it might have been in their power to have altered that list; but the petitioners said that they could not have done so, as other parties were present at the time; but, upon consideration, he admitted that he was wrong for having allowed such comparison to be made. How was it that Wauchob and Jackson were allowed to compare the list. They were not allowed by their own clerks to do it, but by the clerks of Magrath; but Magrath had not done so for the solicitors of the traversers. The solicitors were not told that they might compare or go over the list. In reference to this transaction, the first thing that met the public eye was the partiality shown towards the party connected with the Conservative interest of Dublin. He did not pretend to say that it was in his power to put his finger upon the person who employed Mr. Wauchob and Mr. Walker. But what had hon. Gentlemen opposite been endeavouring to do? They had tried to impress upon the people of Ireland that the law had been carried fully out, and yet at the same time they allowed this matter to remain unexplained. It was not his wish to cast any imputations upon the character of the Recorder of Dublin. If such was his intention, he would have done so when the right hon. Gentleman was present in the House, and had an opportunity of defending himself. At the same time, he must say, that he had given full notice of his Motion, and the Recorder ought to have been present upon an occasion when his conduct was involved in the matter of the inquiry. Immediately after the comparison of the list the Recorder left Dublin. This was on the 29th of November. The Recorder went to England; when he travelled about from place to place for the period of three weeks. The right hon. Gentleman might say, that his judicial functions had ceased. If his judicial functions had ceased, his ministerial duties had to be performed, and it was not easy to imagine how these functions could be carried on at such a distance from the seat of action. If this had not been productive of any injury it might have been passed over in silence, and have been merely considered a neglectful mode of performing official duties. He would, however, leave the House to decide whether the Recorder was altogether free from blame. In the sixteenth paragraph of the Petition from the nobility and gentry of Ireland, it was made a subject of complaint—

"That the list of jurors, or names, or jurors' books so handed in by the Recorder is on all hands admitted to be defective, and does not contain the names of all persons adjudicated on by the Recorder as being entitled to be placed on such jurors' book; for your petitioners show that the Recorder himself admits that twenty-four names were omitted, and that, of these twenty-four, nineteen were Roman Catholics. That petitioners insist that a greater number of names than the Recorder has stated to have been omitted were in point of fact omitted, and that their omission was the result of design; and petitioners Pierce Mahony, William Ford, and John Macnamara Cantwell, have, on their solemn oaths of record in the Court of Queen's Bench, in Ireland, deposed, to the truth of their convictions, that the suppression of the names was effected with a fraudulent intent; the petitioners Thomas Reilly and Peter M'Evoy Gartlan not having joined in making said affidavits from the circumstance that they are for the most part resident out of Dublin, in the counties of Louth and Monaghan, and did not particularly attend to the investigation of the jury lists in reference to the defence of the traversers, but, from a review of the circumstances, inform your honourable House that they are fully convinced that such suppression of the names was effected with a fraudulent purpose."

Again, it was charged by petitioners, among other names, that—

"The names of Robert Molloy, Bryan Molloy, Robert Gatchell, John Gaynor, Christopher Gillespie, John Hussey Walsh, James White, William Torrens M'Cullagh, and Richard William Barrington, were also omitted; and by the affidavits of the Clerks of the Peace and said Magrath, it is now admitted that your petitioners' information was correct as to those names; and petitioners inform your honourable House this indisputably correct information was had from the clerks employed in said revisions by or on the part of these petitioners, although same, with the exception of the name of Richard William Barrington, who appeared on the compared list of St. Audeon's parish was not on any of the compared parochial lists, the other persons last above named not being resident in any of the parishes of which petitioners had completed the comparison. That by said affidavit it is admitted that twenty-four persons duly qualified had been omitted, whose names petitioners had stated in their challenge had been suppressed, which sustains the statement of petitioners as to the number and extent of the suppressions of the special jury panel, and which is further corroborated by the admission of the Recorder as to his striking out the name of William Saurin, who was dead several years; but such striking out was done after said revision closed in open court. That of these nine names four were Roman Catholics, one a Quaker, and four Protestants, and among the Protestants was Mr. M'Cullagh who was always esteemed as a man of the most liberal principles in politics. That petitioners deny the truth of the statement in the affidavit of the clerks of the peace or Mr. Magrath, that no other person who had been adjudicated on as a person qualified to be a special juror was omitted. On the contrary, they allege, and are able to prove, notwithstanding all the impediments thrown in the way of ascertainining the truth, that George Hurst, of Cardiff's-lane, Sir John Rogerson's-quay, duly qualified, as a wholesale merchant, to be placed on the special jury panel, and he has made an affidavit in the case which has been filed in the Court of Queen's Bench. The residence of George Hurst is in the parish of Saint Mark, and he is a Roman Catholic. James Dillon has made an affidavit that he attended in person before the said Recorder as a trader worth 5,000*l.*, and was adjudicated upon as a person qualified to be on the special jury panel; that he is a Roman Catholic, and his residence is in Stony Batter, in the parish of St. Paul. John Elliott, of Thomas-street, which is in the parish of St. Catherine's, has made an affidavit that he was before the Recorder, and duly qualified as a trader worth 5,000*l.*, and was adjudicated upon as a person so qualified to be on the special panel; and, having been informed by one of the petitioners clerks, who saw him so qualify in open court, and who was one of those that compared the list that his qualification was omitted, he immediately, on receiving such information, and, on or about the 9th of December, wrote to the Recorder calling his attention to the fact, and has set forth such letter in his affidavit; he is a Roman Catholic."

But that was not the only charge that he had to make with respect to the proceedings of those concerned on behalf of the prosecution in preparing the Special Jury List. There was another accusation that he had to make, which was that several qualifications had been added to the list subsequent to the proceedings taken with regard to it in the open court. And how had that charge been met by Mr. Magrath? Why, by his admission of the truth of the imputation. He had acknowledged that qualifications had been added to the lists of jurors after adjudication, and the names of William Pride and John Pride were added as grand jurors and leaseholders, although at the same time it was asserted that those two were the only additions so made. But was it so certain that they were all the names thus placed on the list after its adjudication? Of that he would not speak with certainty, but he must observe that on the 2nd of January, on the Recorder's return to Dublin, and after the book of jurors had been entirely taken out of his custody, the right hon. Gentleman wrote a letter to the sheriff stating that it appeared several jurors, to the number of four or five persons whom he named, had been left out of the list of special jurors, placed on the list of common jurors, and that he was willing to take the responsibility, not only of adding them to the lists already made out, but also of placing others there who might be similarly circumstanced. On the 4th of January it was discovered, that sixty names had been omitted from the list, and a notice was served on the right hon. Gentleman (the Recorder), and others connected with the prosecution, of such omissions. This circumstance formed a subject of conversation at the time in Dublin, and it was notorious; yet, notwithstanding the Recorder had professed his willingness to add any jurors to the list who might have been omitted, and notwithstanding the affidavits of the traversers' solicitors that such omissions as he stated had been made in the list, he absolutely said nothing with respect to what he had done in the case, and took no steps whatever to see that justice was awarded to the parties aggrieved, And what was the result of this neglect? Why, that when the circumstance was brought to the knowledge of the court, the judges said they had no authority to amend the list; the sheriff had no authority to rectify the error; and, whilst the fact that such omissions had been made was concealed from the public, no steps were ever resorted to, that the wrong might be remedied, neither was the argument which was urged at the time, founded on the wrong done to the traversers, and of the serious evils which it occasioned to them, of any avail. The omission of these names also formed one of the arguments before the superior court, and it was urged as a reason for reversing the judgment; but the traversers counsel were told that they ought to have had recourse in the first instance to the judges of the court below, where every such irregularity or omission could have been remedied. Surely that was not the way to do justice. The Recorder ought to have let the omission be known to the court in sufficient time to have enabled it to be remedied; he had totally neglected to do so, and with this *primâ facie* evidence he considered he had made out a case, and had stated good grounds for the House to grant a Committee of Inquiry into the circumstances, and he did not know whether, if such an inquiry were gone into, it might not be discovered, that other interferences with the impartial administration of justice than those which he had pointed out, had taken place. He was precluded by the terms of his Motion from going into the minutiæ of the trial, but he could not refrain from touching upon that proceeding, and asking the Government what had been gained by it? What effects had been produced by the late prosecutions? Was the right hon. Baronet opposite more satisfied than he had been before them, with the state and prospects of Ireland? Was the public peace there in a better state of preservation? Was there less disturbance, or was there more tranquillity? Had the people of Ireland submitted quietly, or had they rebelled openly? They had done neither the one nor the other. They stood in a position the worst of all that could be opposed to a Government. They sullenly treasured up the memory of their wrongs; they suppressed their hatreds; they smothered their animosities; and reserved the expression of their vengeance to a future day—

> "Odia in longum jaciens, quæ reconderet,
> auctaque promeret."

There were organizations amongst the people of Ireland before the late prosecutions; but were there none at the present moment? There were no monster meetings; no crowds at Tara or Mullaghmast now, to demonstrate the sentiments of the Irish people, but had they not the declaration of the mayors of municipalities of Ireland in favour of Repeal, and were there not symptoms to be observed at present, ten times more formidable than either the demonstrations at Tara or that at Mullaghmast? Did the Government think they could suppress Mr. O'Connell by what they had done? Were the addresses which flowed into him from all parts of the empire to be regarded in that light? Did they not perceive how they had built up Mr. O'Connell? His talents alone would never have achieved that for him which the oppression of the Government had done. It was not he that had created revolutions, but revolutions that had created him. He would tell the right hon. Gentleman opposite that until the system of government of Ireland was founded on the mutual sympathies of the people, and the mutual wants and wishes of the two nations, until the union of Ireland with England was completed, he did not mean such an union as that of England and America or of Belgium and Spain, but an union like that of Scotland and England, until he repeated, this intimate amalgamation of the two people was accomplished it would be in vain to look for submission or tranquillity on the part of the Irish nation. It was not enough to tell the House that the present Government did not ask for a Coercion Bill, and to point out that Ireland had not been placed under martial law. Very different language ought now to be used if conciliation and not fresh irritation was desired. The Government ought to tell the House and the people of Ireland, that their predecessors and themselves had made great and grievous mistakes; that they were willing to repair the error into which they had fallen; and that finding they had wronged the Irish nation, they were ready to undo the injury that had been inflicted; and when such a course as that was taken by this country towards the oppressed people of Ireland, then, and not till then, would peace, tranquillity, and contentment become the characteristics of his countrymen. The right hon. Gentleman concluded by submitting his Motion.

Lord *Eliot* said, that during a large portion of the speech of the right hon. Gentleman who had just sat down he had fancied that he was labouring under a delusion, and that he was listening to the tenth night's discussion of the Motion of the noble Lord the Member for London, so numerous were the topics of his speech. Had he believed it to have been the right hon. Gentleman's intention to have entered upon so wide a field, he should rather have expected him to have given notice of his intention previously; but after the full explanation of every stage of the proceedings during the late state trials that had been given on a former occasion by his right hon. and learned Friend (Mr. T. B. C. Smith), he (Lord Eliot) did not think he was called upon to follow the right hon. Gentleman into any other topics than those strictly comprised within his Motion, with respect to which he trusted he might be permitted to make a few observations. The House could not, with any propriety, accede to the proposition of the right hon. Gentleman unless he had satisfied them upon three distinct points. First, that there had been a fraudulent tampering with the jury lists: secondly, that this had been prejudicial to the traversers; and, thirdly, that his Motion, if agreed to, would produce some useful practical results. Now, he did not think that either of these positions had been estabilshed by the right hon. Gentleman—and he certainly did not consider his Motion to be likely to produce any good effects if granted; he did not know whether the right hon. Gentleman had read all the affidavits which he had referred to; but when he asserted that instead of there having been twenty-four omissions from the Jury List, there were nearly, if not quite, sixty, he must observe, that he did not think the right hon. Gentleman had established the facts which he had stated: neither did he expect that he would have attempted to cast such a slur upon the character of a gentleman of his own religious persuasion. Mr. Magrath was a Roman Catholic, he had forwarded a petition to the House, and he had therein shown in every case of omission, a reason why such names had been left out of the Jury List. He did not think it was quite fair in the right hon. Gentleman to impugn the statement of Mr. Magrath. With respect to Mr. Eliot, it was to be observed that no statement had ever been made by him of his being a trader worth 5,000*l.*; and, consequently, he could discover no grounds for that person's complaint. He however, should not enter upon a discussion of the merits of each case; he knew nothing except what he had learned from Mr. Magrath's statement, and every one was as competent as himself to ascertain the facts and to judge of them; but what he would meet was the charge that had now been brought of a deliberate fraud having been practised with respect to the jury lists. There was no such charge ever preferred by any of the traversers. They had said, generally that some fraud might have been committed; but that could not have justified, or in any way afforded, grounds for an attack on the officers of the Crown. Nothing in this respect could have been attributed to Mr. Kemmis —nothing to the clerks of the Crown. They had denied all participation in whatever omissions had been made. The chief clerk in their office prepared the lists in the usual form for the Recorder of Dublin. The right hon. Gentleman had gone much further than before; for he had made several most serious charges against his right hon. and learned Friend. And what had been the gravamen of his charge? Why, that the lists prepared by Mr. Magrath did not contain the names of many Roman Catholics who ought, as he said, to be there. But what he would say was, that a Roman Catholic could not reasonably be supposed to entertain a bias against another Roman Catholic, so as to exclude him from a jury list on that account. Was there any evidence of Mr. Magrath's having shown a bias in favour of the Crown. The right hon. Gentleman had admitted that Mr. Magrath had placed the jury lists—before the authenticated copy had been made out, and whilst yet they might have been tampered with—before the solicitors of the traversers, when they might have altered them. But the right hon. Gentleman also asserted that the lists had been sent to his right hon. Friend the Recorder after his return from England, and, notwithstanding his right hon. Friend's denial that such had been the case, the right hon. Gentleman had repeated the charge. Why, he begged to ask the right hon. Gentleman, should Mr. Magrath, after having suffered four of Mr. Mahony's clerks to inspect the lists before they were authenticated, refuse to suffer them afterwards to be examined? It was Mr. Mahony himself who had served notices upon many of the jurors, warning them that, if they did not attend to prove their qualifications, they would be struck off the list; and, could it be expected that, if these persons did not desire to be included in the Jury List, they would employ and pay an agent to attend the court in order to see that their names were not so struck off the list? There could be no just grounds of accusation against the Recorder, for he had acted all throughout the proceedings in strict compliance with the directions of the statute. He had presided at the registration court to adjudicate upon the claims of all persons wishing to serve as jurors, and had either marked with his own hand, or directed others to mark under his superintendence, every name which appeared upon the lists, arranging them according to the rank and qualification of the jurors in nine distinct classes. There were thus no less than 180 sheets of large paper covered with names, and the result was, that a great multitude of slips were made in order to arrange them so as to form the Jury List, at the head of which the names of the special jurors were to be placed. The slips were in this way made in the Jury List, or rather the jurors' book, for the year 1844. The hon. Gentleman opposite had cast much blame upon the Recorder, because that officer had not performed certain duties, which, however, the judges of the Court of Queen's Bench did not think he was at all called upon to execute, and had found fault with him on very trivial grounds indeed. Now, he could inform the hon. Member that the Recorder was bound to adjudicate in the registration court upon the qualification of the jurors, but beyond that his power ceased when he had caused the jurors' lists to be prepared, and that he was not bound to go beyond that point. The Recorder in the present case had performed his duty to its full extent, and he was not in any way responsible for the errors which might have easily occurred in making out such a multitude of names, unless it could be shown that they were fraudulently committed. If that were not the case, and if errors, arising from inaccuracy in making out the lists, were to be considered as inaccuracies for which that officer was answerable, there was not a single jury ever struck in Ireland from the verdict of which an appeal might not be made in that House. It was quite evident that in such proceedings, where the documents were so numerous, errors would necessarily occur, and Gentlemen opposite could not demand inquiry, or expect to have that demand complied with, unless they could show some unequivocal fraud. When they could show that such had been the case, and that there had been any wrong done, their course was open to those who complained of it. Nothing was more easy than to file a criminal information against the offending party; but that

House was not the proper tribunal to decide upon such complaints, nor had it the power to investigate them properly. A Committee of the House had no power to examine witnesses upon oath, and he said again, that the constitutional course to pursue in every case where there was suspicion resting on more solid grounds than vague surmises that fraud had been committed, was to proceed against the offender in a Court of Common Law, and file a criminal information against him. He did not wish to go into all the particular details of the case, but he would call the attention of the House to the course taken by his right hon. Friend the Attorney General, as there had been some statements made to the House on that point by the hon. Member opposite, in making which, he would not accuse the hon. Member of wilful misrepresentation, but he would certainly say that he had founded it upon very erroneous information. It had been said by the hon. Member, in the course of his speech, that his Friend, the Attorney General for Ireland had objected to the postponement of the trial when those defects in the jurors' book were urged as a reason for it. Now, that was not the case, but it was to the jury-book formed in October, 1842, that the objection was taken, which had been in operation for more than twelve months, and according to which every case had been tried during that time. When, however, it was stated that there were but 388 names upon that book, out of which only some twenty-five or twenty-six were Roman Catholics, his Friend the Attorney General consented to a postponement of the proceedings, in order to bring in the new list for 1844, and in doing so, he (Lord Eliot) thought that even hon. Gentlemen opposite had not found fault with him. The new lists were accordingly formed, and the names upon the jurors' book increased from 388 to 714, out of which number 181 were Roman Catholics. When the lists were complete, and the jurors' book, it was impossible to make any alteration, for the effect of that, or of postponement, would have been, that every trial would have to take place with juries struck from the book for 1843. Surely the hon. Member would not have been satisfied with that. There was one course, however, which it would have been quite competent to the traversers to have taken, which had not, indeed, been alluded to by any of the counsel employed on the occasion, but had been thrown out suggestively by Mr. Justice Crampton, and that was, to have had their case tried by the jury of the county of Dublin. The learned gentleman engaged for the defendants had not thought fit to adopt that proposition, which he conceived they should have taken advantage of, if they were under the impression that they had not been fairly dealt with. There was another point in which he thought the hon. Member opposite had not been quite so candid as he usually was. He had not been quite fair towards the Jury in the remarks he had made, and had spoken in terms of much unmerited harshness of their conduct. For his own part, without going into any legal technicalities, he must be permitted to say, that the jury had, in their verdict, evinced a spirit of discrimination which showed their attention throughout the whole of the proceedings. The hon. Member spoke of the partiality of the Jury, and made some remarks upon them which were unjust and unwarranted. What was the language used by one of the counsel for the traversers, who certainly could not be said to have exhibited much temperance of speech in those trials? Mr. Fitzgibbon said, that with reference to some previous objection to the Jury Panel,

> "He was not to be supposed for a moment to mean that any of those twenty-four gentlemen were not properly qualified, and that no man should imagine but that they would administer justice in as pure and straightforward a manner as any that could be selected. He was not arguing against the men on the panel, but against the constitution of it, and if the opinion of the Court were against them, he would not say but that the traversers had no reason to complain, and that as far as the constitution of the tribunal was concerned with regard to the persons upon it, there was no ground for any imputation whatever."

Such had been the language of Mr. Fitzgibbon. Let the House now see whether the verdict was contrary to the evidence, without, however, entering into questions of legal nicety. He did not think it necessary for him to argue with the hon. Member as to the law of conspiracy, and he would, therefore, go on to declare his opinion that the Jury were right in giving the verdict they had returned, for they had to take the law on those points from the Judges, nor could it be any reproach to them that they had done so. It was the province of the Judges to lay down the law; and it was very well for counsel to take technical objections, but in that House such a course could not be adopted. Would the traversers venture to say in that House that they had not been present at any monster meetings? They could not do so, whilst in the Court of Queen's Bench the point had been raised that there was no proof of some such fact. Could such an objection be relied upon in that House? Could they say in that House that their conduct had been different from that which was imputed to them? Could they deny that they had attended multitudinous meetings? Were not seditious writings published which had received their sanction? No; these were all matters of notoriety in that House which would not admit of dispute, and if the law laid down to the Jury were correct—upon which question there was now an appeal to the Supreme Tribunal—he said that there could be no alternative but to find such a verdict. It would be, he conceived, a libel upon any body to say that he would not have found the same verdict, upon the same evidence, and under the same direction as to the law. The hon. Member had attacked the composition of the Jury, but he might have recollected that similar attacks had been already three times made in the Court of Queen's Bench, and had been uniformly defeated. First, there had been an objection fully argued before the proceedings commenced; next, the challenge to the array; and, thirdly, the Motion for a new trial; on all of which occasions the question had been brought most fully before the Court. The challenge to the array appeared upon the record, which had been referred to the House of Lords, and it appeared that the sixth question submitted to the Judges by that high Court of Appeal was, "whether there were sufficient grounds for reversing the judgment, because of the Court having overruled and disallowed the challenge to the array?" This, therefore, was in his opinion no fit subject to be discussed in that House, because it was already under the consideration of the Judges of the Supreme Court of Justice, and there were, he thought, no just grounds—nay, more, it would be highly improper to interfere in a matter which at that very moment was *sub judice*. He did not think that the present Motion could lead to any beneficial result, and in the present state of public feeling in Ireland, he feared it would only tend to excite expectations which would produce the most dangerous consequences. If the hon. Member believed that any fraud had been committed, he had his remedy, but he would oppose the Motion before the House, for he did not think it could be productive of any benefit if granted. With these few words he would content himself, leaving it to his Friend the Attorney General to reply to any legal objections which had been advanced by the hon. Member opposite.

Mr. *M. J. O'Connell* said, that in rising to speak on this question, he laboured under some difficulty, because he felt that he could hardly prevent himself giving way to the feeling that if there had been any fraud or any collusion in this matter, he was intimately allied to the party who had been made the victim of that fraud and of that collusion. The present subject was one that occupied a great space in the public mind; and the noble Lord must not lay the flattering unction to his soul, that because they were in the middle of the month of July the question could silently pass over. It not only engaged the attention of men's minds in this country, but it interested the public mind of Europe, and would, he ventured to prophesy, be a matter of paramount interest to posterity. The question came to this. Had these trials been fairly conducted? The noble Lord had said:—"Don't come to the House of Commons; we cannot do anything for you: a Committee of the House of Commons cannot administer an oath." What, then, did the noble Lord tell them to do? Why, file a criminal information! Yes; file a criminal information, to be tried before Chief Justice Pennefather and a Dublin Jury. The noble Lord had asked whether they (himself—Mr. O'Connell and his friends) thought that a Committee of Inquiry would produce a satisfactory result? He would tell the noble Lord that if anything would continue a feeling of dissatisfaction it would be a refusal to appoint a Committee of Inquiry upon such grounds as the noble Lord had refused it. It had been admitted, both by the Recorder and by Mr. Magrath, that twenty-four names were omitted from the list. Now, connected with these omissions, there were some curious facts. The whole list of the parish of St. Audeon was said to be lost. This was extraordinary, because the persons whose names were on that list were nearly all Liberal in their opinion; and if they could be supposed to be liable to any bias, that bias would have been in favour of the traversers. How the list became lost was the question. It was a matter of suspicion, and ought to be inquired into. It was a remarkable fact that Messrs. Wauchob and Jackson were allowed the inspection of the lists, which was refused to Mr. Mahony; and that, while the former Gentlemen had twenty-four lists corrected for them, Mr. Mahony had only four and a half lists corrected for him. About one-fourth of the lists was looked over by Mr. Mahony's clerks, while persons on the other side had had the opportunity of going through the whole of it. These were suspicious facts, and no doubt they would be so considered by the country. Regarding them, the friends of the Motion challenged inquiry, when it would be proved that names standing on the Special Jury List of 1843, were placed upon the common Jury List of 1844, while persons whose qualifications were patent, found themselves entirely excluded. He now came to advert particularly to the important parish of St. Audeon's, the list belonging to which had, by some strange circumstance, been dropped. This was an enigma of more difficult solution than any since the time of Œdipus. It contained fifteen names, but what was even stranger than the loss of it, a sixteenth name of that parish was found in the Special Jury List. Nothing less than a miracle could account for this fact, if, as was contended, all was fair. John Carroll, who was worth 5,000*l.*, and whose name had a cross against it, ought to have been the sixteenth in the list of fifteen lost names, but his name was actually found in the jury-book. He ought to have been "the lost Pleiad," but he was the found juror. This was a matter for the whole party to explain, from the Recorder of Dublin down to Mr. Magrath. If there were a particle of fairness in the Government, they could not refuse inquiry into so flagrant a circumstance; if they meant to hold out a pretext of discharging their duty to the country, they could not refuse the Committee. Could they get over the allegations respecting the Jury List?—could they get over the fact, that Mr. Magrath had not allowed his facts to ooze out until the last moment? In the whole affair, there was sufficient to excite more than suspicion. In the present state of public feeling in Ireland, it could not have a good effect if ministers appeared inclined to treat this great subject with levity. There were other circumstances in the list of the parish of St. Audeon which he had omitted to notice and which required remark. Two gentlemen, of the name of White, carried on business as partners in the leather trade, and yet one of them was excluded from, and the other included in the list of special jurors, while a portrait painter, said to be worth 5,000*l.*, was dignified with the title of esquire. Two gentlemen, of the name of Papworth, were inserted on the ground that they were the eldest sons of their father; the only way to account for this was, to suppose, in the words of the Irish song, that "They were twins and not know it." Even this excuse could not be found for three Rileys, who were in the same predicament. [*Laughter.*] The good natured levity of hon. and right hon. Gentlemen was hardly appropriate to the subject. [Sir *R. Peel*: You should not quote Irish songs.] It might be very well for the sufferers to attempt to joke away their grief, but it ill became the Government to endeavour to laugh away the effect of the present Motion. In the same jury list he saw the name of two Twigs, both of whom could not be eldest sons; if they were Twigs of the same tree, they were not Twigs of the same growth. [Sir *R. Peel*: Your jokes are irresistible.] These ridiculous blunders happened to be all on the same side of the question, for the three Rileys (he believed) were of the same religion and of the same politics. He contended that, as a mere act of justice to the Recorder of Dublin, the Government ought to institute an inquiry. Would they allow such charges to be made, and not give him, and all persons connected with his office, the benefit of an investigation? He did not wish to enter into topics discussed on former occasions, fearing that he could not treat them as calmly and temperately as they deserved; and he would say, in conclusion, that if Ministers resisted inquiry, and thereby left the public mind unsatisfied, the present would not be by any means the last, or the least troublesome, discussion on the affairs of Ireland to which they would be exposed. The question of the legality of the verdict was now before another tribunal, and while the discussion was pending his right hon.

Friend (Mr. Wyse) had judiciously postponed the present Motion. The question was in the hands of the highest tribunal of the land, and supposing the verdict were confirmed, Ministers would have to show not only that the verdict was legal, but that it was just. Nothing could more exasperate the public mind in the present unhappy state of parties in the two countries than that mere law should have been on the side of the Government, and absolute justice on the side of the accused; it became Ministers to prove to all mankind that tyranny had not worked its wantonness under the form of law.

The *Solicitor General* said, the peculiar position of the hon. Gentleman who had just sat down had led him to do some injustice to the noble Lord the Secretary for Ireland. He saw nothing like indifference or levity in the conduct of the noble Lord; nothing fell from him which justified the hon. Member in saying that the noble Lord was sneering. The noble Lord certainly had alluded to the fact that there had been a nine nights' debate on the affairs of Ireland in the early part of the Session, in which every fact and argument which had been addressed to the House that night had been reiterated over and over again; and the noble Lord was perfectly justified in doing so, because, when an hon. Member came forward at a period of the Session so late, the House had a right to expect to hear from him some new arguments or a different statement of facts in order to ground a Motion for inquiry. It was a most important question, and therefore it was that he regretted the course which the hon. Member had taken, because, although he would not attribute any improper motives to the right hon. Member, or any mischievous intention, still he must say that the effect of the discussion was calculated to cast suspicion upon the administration of justice. Look at what were the circumstances under which the Motion was made. A most dangerous and pernicious conspiracy was in existence in Ireland—a conspiracy which even threatened the dismemberment of the empire. Her Majesty's Government did not resort to extraordinary powers—they did not come down to the House and ask for a Coercion Bill. With no other weapon than the ordinary arm of the law they beat that conspiracy to the ground. The offenders were now prostrate at the foot of justice, and the hon. Member thought it a proper time to insinuate a something against the fairness of the proceedings which led to the conviction. It was to be remembered that the subject was not before the House then for the first time, and he said most emphatically, that from the beginning to the end of that most important trial, there had not been the slightest ground for imputing any unfairness or the least tinge of impropriety to those conducting it: nor had anything taken place but what, under similar circumstances, would have taken place in this country. Every one who had witnessed or read of the conduct of his right hon. Friend the Attorney General for Ireland, must have been convinced not only of the great ability which he displayed, and the dexterity which he had shown in extricating himself from the difficulties which were thrown in his way by the very able counsel for the traversers, but of the fairness and moderation of his conduct throughout the whole of the lengthened trial. That panegyric was not his, it was an acknowledgment which had been extracted from one of the most talented and eloquent of those who were opposed to him. The hon. Gentleman complained that no copy of the indictment had been furnished to the defendants. Now, there was no refusal of a copy of the indictment; nay, so far from it, that upon the very day on which the bill was found, eight copies of the indictment were made and served upon the respective defendants. They then applied for what they chose to call a complete copy—a copy with the names of the witnesses, which was most properly refused on the part of his right hon. and learned Friend. He would have been guilty of a dereliction of his duty had he acceded to the application after the manner in which the witness Bond Hughes was treated, as soon as it became known that the indictment had been found upon his informations. Besides, in that refusal, his right hon. and learned Friend had the whole Court with him, with the exception of Mr. Justice Perrin. Then as to the lists, undoubtedly by some unfortunate accident, but certainly with no fraudulent design, some of the lists were mislaid; but, he would ask, was that the tribunal, or was that the proper time to inquire whether those lists were properly prepared or not? He most distinctly said no. If there was a fraud in the preparation of the panel it would be a ground for a special application to set it aside. Such an application was made, and heard on affidavits, and the

Court decided that the defendants had no right under the circumstances to call on them to grant the panel. There was another mode in which the defendants could obviate all the inconvenience which might arise from a defective panel. They might have applied for a trial in the county of Dublin at large; and, as such a course was never suggested by any of the sixteen most able and ingenious counsel engaged for them, he was entitled to observe, that it was because they did not feel that there was any injury likely to result from a jury constituted as that was, but were not willing to abandon the possession of a grievance which might be useful at a future time. When the trial approached, another attempt was made to impeach the panel by a challenge to the array on the ground that a portion of the list from which the Jury was to be formed had been fraudulently abstracted. It would be presumptuous in him at the present time to say whether that was a valid challenge or not; but he must say that he considered, as his right hon. and learned Friend considered, that it was not a challenge on which he ought to take a traverse in point of fact, and therefore he demurred to the whole of the challenge. What was the proper conclusion to be drawn from that demurrer? He had seen leading articles in newspapers within these few days, stating that that was an admission that there was a fraudulent list, and that the Lord Chancellor distinctly treated it as an admitted fact. Let him for a moment endeavour to disabuse the public mind from such an impression. Admission it was in a certain sense; for no person could demur in law without admitting the facts on which the law arose; but it was an admission only for the sake of argument, and it meant nothing more than this—"granting as correctly stated all the facts on which you found this challenge to the array, yet I contend that it is not a good challenge in point of law, and by my demurrer I raise that question with you." It was, therefore, a most unworthy proceeding—looking to the position in which those parties were placed—to endeavour to deceive those who were not aware of the technical character of this mode of proceeding, and to persuade them that the Lord Chancellor stated that it was admitted that there was a fraudulent list, and that the parties were at liberty to deal with it as an undoubted fact. All that the Lord Chancellor said was, "In the present proceedings it is admitted that there was a fraudulent list; you must take it for granted that there was a fraudulent list; it is not a question that can be argued before this House. You must take it for granted and apply yourselves to the point of law which is raised upon it." A majority of the Judges decided on the demurrer against the challenge to the array; and this brought him to another point in the case. Those who read the very temperate and judicious as well as able opening of his right hon. Friend the Attorney General for Ireland would be disposed to do him justice for his conduct of the proceedings in court, and not to adopt—he would not say the charge of the hon. Gentleman but—the insinuation that no advantage whatever was given to the defendants by the mode in which the prosecution was conducted. The hon. Gentleman said that the verdict pronounced was not satisfactory, in consequence of the summing up of the Lord Chief Justice. He must say that this was a very unfair and unjust attempt to cast reflection on the eminent Judge who presided at that trial —considering the situation in which he was placed—the opportunity there was, if there had been any failure on his part, or impropriety with regard to his mode of charging the Jury, either by introducing topics calculated to inflame their minds, or by omitting any of the evidence or arguments urged on the part of the defendants, and considering also that he was not only addressing the Jury in the presence of the entire bar, and of all the most distinguished men who were engaged on the part of the traversers, but that he was himself only one out of four judges who were his coequals, and had all the same right to address the Jury, and who were bound, if they considered that anything had been omitted which ought to be pressed on their attention, to have taken their part in the business, and to put those matters before the Jury. He had read the summing up of the Lord Chief Justice more than once, and he confessed that he had no hesitation in saying that he believed that there was nothing whatever objectionable in the statement of the Chief Justice, or in the expressions which he used, except, perhaps, that solitary one to which the hon. Gentleman had alluded, and which he hardly thought worthy of an observation. He was sure that if hon. Members would take the trouble of reading that charge they would find the Chief Justice over and over again pressing on the attention of the Jury that the onus of proving the conspiracy lay on the Crown; that it ought not to be made out by mere presumptions, but that facts, and the undoubted inferences from those facts, were necessary to establish the criminality of the parties; and that one ground why he did not press on them the evidence for the traversers was because the obligation was on the Crown to prove the charge against them. They would find that he entreated the counsel for the traversers, if he omitted any of the evidence or documents which they considered important, to interrupt him, and that they occasionally interrupted him to ask him to state parts of the evidence which had been given. They would see how those interruptions were received and attended to, and how free from temper the conduct of the Chief Justice was throughout the charge; and they would then be forced to conclude that it was a most unjust and unfounded aspersion on the character of that eminent individual to attribute to him that he, in consequence of some political bias, was disposed to press unfairly against the traversers. It was said that garbled extracts were handed up to the Jury. But that was not the fact. In the course of the trial extracts from the documents read in evidence were handed up to the Chief Justice for the sake of convenience; at the close of the trial it was proposed to hand them up to the Jury; but on an objection being made, on the part of the traversers, that the parts relied on by the Crown were scored under, while those relied on by the traversers were not, none of them were left to the Jury. Was it not, therefore, unjust to attribute to the Lord Chief Justice any improper interference with regard to the mode in which he summed up the case or left it to the Jury, and to attempt to induce the people to believe that there had been some partiality in the mode in which the case had been conducted, and that this great trial had not been brought to a satisfactory conclusion? The question with regard to the challenge to the array was now brought before the highest tribunal of the Empire. [Mr. *Wyse*: Not as to the facts.] The right hon. Gentleman was mistaken, for some of the facts were brought in a certain degree before that tribunal; but he admitted that one fact on which the hon. Gentleman chiefly relied was not brought before it, nor could it have been brought forward at any other time than on the original application to quash the panel at the early part of the proceedings. But the question which the House had now to decide was, whether there were any circumstances in the case which ought to induce them to believe that any good would be gained by an inquiry conducted by a Select Committee in the mode proposed by the hon. Gentleman. He was utterly at a loss to conceive what was the benefit which the right hon. Gentleman expected to result from such an inquiry. He thought that nothing had been brought forward to lead them to the conclusion that there had been any fraud whatever with regard to the missing list, about which so much had been said. If there had been any fraud, he agreed with his noble Friend that there was a particular course of law which might be brought into operation against the offending parties by action, indictment, or criminal information, at the suit of the parties aggrieved —but if there had been only an inadvertence there was no use in giving this House the trouble to inquire into the subject. He regretted the error which had taken place—but no hardship or inconvenience resulted from it to the parties. He was thoroughly convinced that the trial had been fairly and justly conducted and—they should forgive him for saying so—that the conclusion, whatever attempts might be made to abuse the public mind, would be considered by all well-judging men, and all lovers of their country, to be perfectly satisfactory. It was because he thought that all notion of fraud was excluded from the circumstances of this case, and because he was borne out in that view by the impartial and enlightened men who had to try this question, that he felt bound to resist the Motion made by the hon. Gentleman feeling as he did that if he were to yield to this application it would be an admission that there had been some practice or some fraud in the formation of the list, or some hardship, or some inconvenience to the traversers resulting from it. He was conscientiously of opinion, that nothing of that kind existed, and he therefore felt bound to resist the Motion of the hon. Gentleman to the utmost of his power.

Mr. *Villiers Stuart* said, one or two of the hon. and learned Gentleman's observations had caused him no little surprise. With regard to his observations on the Chief Justice's charge, it was a pity that the hon. Gentleman had not been in the House during the discussion of this matter at the beginning of the Session, because it so happened that very strong observations were made on that charge, and that not one word was said in its defence. He well recollected, that the only observation with respect to it was made by the right hon. Gentleman the Attorney General for Ireland, which he put in the form of a question—"What prisoner who has been convicted is ever satisfied with the verdict?" It was no light thing to bring such charges; but the Government, when they were made, ought to have defended the charge, if they did not agree in the general condemnation. The hon. and learned Gentleman accused his right hon. Friend of not taking the right time for making this Motion, because, he said, a conspiracy was overshadowing the land. What had decided that a conspiracy was spreading over the land, but the verdict of the Jury? And if the hon. and learned Gentleman said that it was not the time to discuss the question whether the Jury was formed fairly, it would seem as if the hon. Gentleman thought that any means ought to be taken to put down opponents, when he said that there was a conspiracy. The hon. and learned Gentleman did not look to the future. There was no one who was in his heart more against at the present state of things in Ireland than himself; but he would rather that they were going on as at that moment, than that there should be these unfortunate circumstances connected with the formation of the Jury List. The subject had been dealt with in far too technical a manner. He wanted to counteract the feeling that justice had not been administered, when the man in whom the greatest confidence was placed had been found guilty by a jury not formed according to law. Could any period be too late to try and restore confidence in the administration of the law? Nothing had so much tended to the ruin of Ireland as the want of that confidence? It was quite true that till a recent period, neither the Law nor the Judges were looked upon with respect, and juries received no confidence. It was the duty of the Government to watch over and try and restore that confidence. It could not be gained at once. It must take a considerable time. In 1829 they placed the Catholics and Protestants, so far as the law went, on a footing of equality; but there was yet something wanting to give confidence in the tribunals. With regard to the smaller tribunals, the Marquess of Wellesley got rid of a great evil, by establishing petty sessions, instead of a sitting in a private room. Much good too had been done by mingling Catholic with Protestant magistrates; but there was still much to effect. In 1825 Mr. O'Connell was examined before the Committee of the House of Lords, to inquire into the state of Ireland, and gave this evidence with respect to the higher tribunals:—

> "Have you observed in the administration of justice in the Superior Courts any disposition towards undue partiality?—In particular instances I have, but the apprehension of partiality is more occasioned by the kind of instruments that are used to bring jury questions to trial, than in the superior judges themselves; the city of Dublin is particularly constituted in that respect, especially in later times. There has been a great deal of party spirit, and no persons can now be Sheriffs of Dublin, that do not give a very unequivocal pledge before their election, of taking a particular part in politics, hostile to the Roman Catholics. Those gentlemen have the summoning of all juries, and the formation of all grand juries, and whatever may be the result in individual cases, it leaves a general impression upon the minds of the Roman Catholics that their property, or in cases of criminal offences, their lives and liberties, are not secure. I know that that prevails to a very great extent, so that a Roman Catholic, the most cool and rational amongst them, and dispassionate as to parties, would rather submit to great wrongs than attend a trial in Dublin; and that, as I said before, originating with the species of persons who are sheriffs, and of the persons who are at the head of the Special Jury Lists, for they place at the head of the Special Jury Lists the high corporators. An Act of Parliament that was proposed in the lower House last Session, would tend certainly, if carried into effect, to do away a great deal of that evil, in my judgment."

He believed that it was under the very Act, that was passed to remedy the old evil that the Jury in question was formed, which was now complained of, and he mentioned the point to show that under this very Act whether by fraud or accident, they had virtually returned to the old system, and that Mr. O'Connell was now suffering under that very old system of which he had pointed out the evils. If he had been tried by a jury from which every Catholic was struck off, he said that they were returning to the old state of things. He was not charging the Government with wishing for such a state, but he was not going beyond his duty by pointing out the effects which had occurred before, and which must occur again if the system were retained. No one could say that the best consequences had not followed from the non-challenging of Catholics on juries. There was nothing more untrue than that the Irish disliked justice, they were eminently fond of justice; if the law were just, and if it were justly administered, they would lay claim to the same title as the English of being honest and firm supporters of the law. He knew, indeed, that there were cases of crimes not brought to justice; but it too often happened that this arose from a conviction in the minds of the people that there were wrongs under which those persons suffered which entitled them to greater sympathy; but if the law were not asserted in Ireland as it ought to be, it arose from the fact that law and justice were too often opposed to each other. What evil could arise from granting the Committee asked for by his right hon. Friend? A petition had been presented, stating certain facts, alleging fraud against a party or parties whose names were not mentioned; surely nothing could be more fair than that they should prove them if they were true, if not the petition would fall to the ground. Hon. Gentlemen said that in that case nothing would be gained; but there would be this gain, that the inquiry and the failure would deprive those who complained of the grounds of their complaint. Would they leave things as they were? Would they allow it to go abroad that the House of Commons would take no notice of the fact that every Catholic had been struck off the Jury, and would take no step to remedy this? He could not express how strongly he felt on this subject—it would fling his country back for centuries. What would a person in this country expect if he were tried by a jury from which every Protestant were struck off? But no, the could not in England be put in the samy circumstances as they were in Ireland. There was not a Church question to agitate men's minds here. There was not the same interests of religious added to political differences. It was impossible that Mr. O'Connell could have a fair trial in Dublin, by an exclusively Protestant Jury: he had been at the head of a great party in Ireland, constantly attempting to pull down the present system, which others were as strongly supporting; the two parties then opposed looked on each other as the enemies of Ireland. Could any one make the Irish believe that in such a state of things Mr. O'Connell could have a fair trial from Protestants? The hon. Member for Dublin himself could not deny the strength and universality of the party feeling. He was far from saying that this particular jury did not attempt to do justice, but they must have been biassed on a particular trial. He said it was the duty of the House, seeing what would be the consequence of allowing any individual, still more any one endeared to the people, to suffer by the verdict of a jury, from which by accident or fraud every Catholic had been struck off, to enter upon the inquiry, and he gave the Motion of his right hon. Friend his cordial support.

Mr. *Grogan* contended that no law had been infringed in the formation of the Jury List. He could see no use in granting the inquiry sought for by the Motion before the House. The Committee was moved for to obtain further evidence, but all the evidence which they could have upon the subject they already possessed in sworn affidavits. What more could be expected by going into Committee? The revision of the lists by the Recorder was a most arduous undertaking. He had some 5,000 names to go through, and was it extraordinary that some mistakes and omissions should occur? There was one circumstance, however, connected with this discussion which gave him great pain. Although they had not in direct terms charged a Protestant Jury with having committed injustice towards Catholics, yet hon. Gentlemen opposite all seemed to go upon the grounds that injustice had been done. He thought it would have been much better to have discussed the question upon its real merits, and not have thus indirectly charged a Protestant Jury with having committed injustice towards Catholic prisoners.

Mr. *J. O'Brien*: It cannot be denied that the object of the present Motion is to inculpate Her Majesty's Government in connection with these late trials, which have so intensely occupied the public mind in Ireland. I hold those trials to have been an unconstitutional attempt to suppress public opinion in that country, and to substitute the infliction of penal law, for the redress of grievances long and deeply felt. It is idle to suppose that this was a prosecution directed only against individuals, public interests were committed in the conflict, and the distinguished leader of the national party, was sustained and impelled by the concurring sympathies of the country. The people of Ireland, urged by a sense of wrong, met in deliberative councils, and in what has been not inaptly termed multitudinous assemblies, but in the one they disclaimed the protection of a dangerous and suspicious secresy, and in the other they were distinguished by the vigilant observance of the law; 'tis true a bold experiment was made to awaken the mind of England by the emphatic development of the feelings of Ireland, but when the fears or the wisdom of the Government forbade the continued demonstration of national sentiment, when the meeting at Clontarf was prohibited, they paid to your ungracious proclamation a prompt and unhesitating obedience, and thereby demonstrated the peaceful character of their constitutional agitation. This result should have satisfied the Government. They had achieved by their proclamation all they could have accomplished by their prosecution. The multitudinous meetings were abandoned, and the supremacy of the law was acknowledged; but in an evil hour they listened to the suggestions of a vindictive policy, they advanced unwisely on the submission of the people, and adopted the novel expedient of arraigning men for a conspiracy who had little in common but a legitimate community of end—the repeal or the modification of an obnoxious Act of Parliament. I am at a loss to understand, if the means adopted were legal, that there was ought in the object contemplated which warranted the denunciation of the Government. I am prohibited from so thinking, even by the example of some of the most distinguished Members of Her Majesty's present Government, who in their successive advocacy of the Emancipation Act, the Church Temporalities Act, the Reform Act, substantially modified and repealed the more important provisions of the Legislative Union. It is true, repeal in its popular interpretation seeks the right of domestic legislation, as the most direct and immediate road to the achievement of those many practical ends and legislative ameliorations which the condition of the country requires. Repeal is the comprehensive designation of the many wants of Ireland; and had they been, as they might have been, provided for by a wise Imperial Legislation, the popular passions might yet have slumbered, and the disturbed spirit of nationality would not have pervaded the land in its present formidable maturity. But do not ascribe to Mr. O'Connell the difficulties of your own creation; do not impute to him the alternative, which he had often deprecated, and which your impolicy has forced upon his adoption. Yet let me not unduly magnify Mr. O'Connell's influence, for I believe in regard to this question, which now so intensely occupies the public mind of Ireland, he has more given expression to, than created, the national sentiment, and could not, if he would, have resisted the national impulse; and you will fatally err in supposing that you will arrest the development of national feeling by the vindictive persecution of a man so remarkably possessed of the confidence and affections of the country. And what has there been in the character of his public life which justifies the Government in holding him forth as a fitting subject for penal denunciation? Has he not advocated all the great measures which you have ultimately, though in some cases tardily, adopted. Did he not organise the energies of Ireland, facilitating to the right hon. Baronet his yet remembered triumphs over the antipathies of creed and the prejudices of country? Had Mr. O'Connell not summoned to existence, and invested with political organization, powers antagonist to those by which intolerance and monopoly were upheld, could the right hon. Baronet, would he have achieved the Emancipation Act, and thus associated his name with that great measure of legislative wisdom? Nor was he a subordinate auxiliary in those constitutional conflicts in which a noble Lord and another right hon. Baronet distinguished themselves by the advocacy of popular rights, and giving legislative security to their existence by the provisions of the Reform Act; and with equal energy and consistent principle, he co-operated with you in securing to the people of the Empire the invaluable privilege of reformed municipal institutions. His advocacy of popular rights was unstained by sectarian selfishness; and in conjunction with you, by the repeal of the Test and Corporation Acts, he secured to the Dissenter the equal privileges of the Constitution. It is true he urged to a legitimate maturity the principles you imperfectly developed, and gave expression to the discontent of Ireland at your measures of incomplete redress—at the imperfect realization in her regard of those principles which you had announced. You proclaimed religious freedom, yet we continue the tributaries of a dominant Church; you declared the necessity of a thorough international incorporation, yet you placed us in a humiliating contrast by an inadequate representation and an abridged constituency; you acknowledged the necessity of municipal institutions, and you communicated the invaluable privilege to the more favoured portions of the Empire; to us, reluctantly and suspiciously, you conceded a stinted measure of corporate rights. Your entire legislation, as respects us, was marked by the offensive supremacy of country and of sect. Did you suppose that long oppression had extinguished the national pride? If we did not feel the legislative indignity, we should have deserved it. We remonstrated, but unavailingly, and we accepted without gratitude, what you gave us without grace. Ireland still complained of your abortive policy; we laboured under a chronic malady of discontent; the national energies were wasting under the slow fever of arguments unanswered, of hopes indefinitely postponed. The distinguished victim of your prosecution, by the resources of his powerful character, rallied the collapsed energies of the country. He gave intelligible expression to the feelings of associated millions. He has precipitated the crisis, and has matured that overbearing necessity so wisely anticipated and referred to by the right hon. Baronet. I will not suppose that you can view the present position of such a man with feelings of exultation. But I am not warranted in appealing to your sympathies; the national sentiment forbids it. We say that justice has not been done. We say that before you put Mr. O'Connell on his trial you should have ascertained if you could have given him an unprejudiced tribunal, and if the condition of the country, if these antagonist factions which a disastrous policy has created, prohibited your so doing, you should have paused and inquired if there was not something anomalous in that condition of things which thus poisoned justice in its source—practically annihilated the tribunals of your free constitution, and incapacitated people from the discharge of their first and most important functions. But as you did decide on appealing to the paralyzed tribunals of the country, we say that according to the spirit and analogous example of the constitution, as conceded to foreigners, you should have balanced the antipathies of party; you should not have tried the Catholic leader by an exclusively sectarian jury, by men committed in prejudgment against him. You should not have availed yourselves of perhaps an accident, perhaps a fraud (I allude to the dropped lists), to take from him his legal chance of escape from the combined power of arbitrary law and of a prejudging tribunal; above all, we say that you should not have been guilty of the almost increditable though legal absurdity of executing sentence while discussing its legality. Your verdict has corresponded with your wishes. Yet, what has been your achievement? The people of Ireland required no example to deter them from physical or lawless violence? Their obedience to your Clontarf proclamation protects them from the aspersion, but will your verdict abate the national and constitutional agitation now in action? Let the existing condition of the country—let the popular exchequer, overflowing with the contributions of an enthusiastic people, reply to your inquiry—above all, let the adhesion to the popular ranks of that class of men quiescent, but not indifferent, indisposed by temperament, and unprepared by habit for the collisions of public life, reply to your inquiry. And should you suppose that the verdict you have achieved, repugnant as it is to the national sense of justice, divested as it is of all moral influence, will extinguish the spirit of the country, you fatally miscalculate. I shall not here discuss the character or probable consequences of that great object which now so intensely occupies the popular mind of Ireland; adopt your alternative, be it impracticable in achievement, perilous in the attempt, or be it, if achieved, fraught with dissolution to your empire, you are morally responsible for the results, you who have driven to the last limits of the Constitution a long suffering and now exasperated people. It is in reason, and history ratifies the conclusion, that when the just demands of a people are withheld, other views and less legitimate aspirations spring from the denial, nor will those classes, less perhaps impassioned in feeling, though not less determined in sentiment, long give you the benefit of their political scruples in maintenance of a Constitution from whose benefits you exclude them. Each day of evil unredressed adds to the force of the national movement, and calls in aid those to whom the sympathies of religion, and of country, and the impulses of a contagious enthusiasm cannot long unavailingly appeal. And though strong in authority, and in all the accompaniments of established power, it may be well to calculate the antagonist forces—those mighty elements of nationality and religion, which are now fast developing themselves against you. Shall I call your attention to the remarkable demonstration about to take place; it is well deserving your serious reflection; it is not the act of the intemperate or interested politicians, it is not the hasty resolve of a precipitate enthusiasm. The hierarchy of the Roman Catholic Church, men mature in years, instructed by experience, venerable by their virtues, have appointed a day of solemn devotion, and at one and the same hour you will have 7,000,000 of an impassioned people proclaiming the afflictions of their country, and the injustice of their rulers. This is an unparalleled occurrence, and the Government which can neglect such an indication of national sentiment, is responsible for the results. Nor are the effects of your policy limited to the immediate sphere of your misgovernment, look to the unconcealed antipathies of America, avowedly created and impelled by that section of the population, rapidly increasing in numbers and in wealth, and who have brought with them to another hemisphere the bitter remembrance of their wrongs and of your injustice. Look to the President of that great republic, the constitutional organ of its opinions, undisguisedly sanctioning that agitation which you have characterised as menacing the integrity of your empire; nor should you disregard what I may call the mere domestic influences of the alienation of Ireland. Shall I direct your attention to the commercial and manufacturing cities, to your very metropolis, crowded with a rapidly expanding population from that country, corroded by a sense of national injustice, hostile to your laws, and disaffected to your institutions, predisposed to receive, perhaps to communicate, that political poison—those dangerous doctrines, alike subversive of your social security and imperial greatness? Nor are the results of your policy even thus circumscribed. Look to your dominant church, that parent spring of all our distractions, tainting your fair fame, and arming against you the religious sensibilities of three-fourths of the Christian world. No measures of superficial redress will meet the occasion; no palliatives will satisfy the public mind; if this be your course, it will but prolong the national distractions, and by inevitable progression end in the same consummation. Do not delude yourselves by looking forward to a Registration Bill. If you curtail the franchise, this is clearly no specific for national discontent. If you extend the franchise, what is our gain while your policy is anti-national, and while the liberal representatives of Ireland are overborne by British majorities? This will only the more conspicuously display our inefficacy in a British Senate. 'Tis true you have issued a land commission; and so far you are entitled to the acknowledgments of the country—for I will not suppose you will falsify the hopes you have thus so powerfully excited. The people of Ireland are confederated by a sense of wrong. You can dissolve the confederacy, not by State prosecutions, but by the abandonment of a policy not more opposed to the tranquillity of one country than to the ultimate safety of both. Shall I weary the attention of the House by the thrice-told tale of Irish grievances, in whose regard reason and argument have discharged their functions, leaving no alternative but to extract from expediency what has been refused to justice? Will you persevere in a policy thus demonstrated by its fruits, distracting a country, disorganizing an empire? Sir, I believe a crisis is at hand. The agitations of the national frame must terminate, and speedily, in dissolution or renovation, the latter I believe to be approaching, I infer it from many indications. I see the people of England rapidly abdicating their religious prejudices, I see a fusion of parties combining on other principles than the decaying antipathies of sect. I infer it from the more liberal announcements of the Conservative press. I especially infer it from the altered tone of the late debate on the Church Question. We are no longer told of inflexible compacts, of immutable arrangements, nor of the rights of Government to establish true religion, that palpable vindication of the bigot and the persecutor of every creed. That question is now based, and with high personal and official authority, on the intelligible principle of what is due to the collective welfare of a people. I trust that this quesion shall be, and soon, finally adjusted, even for the sake of the Protestant authority in Ireland, for what is the condition of the Protestant in that country? It is true you have given him a dominant Church; is the good worth the penalty which attends the possession? Is it worth the hostile mind of an offended and alienated people? Did the accidents of birth of education place me in the ranks of the Protestant gentry, I would call upon the Government to relieve me from an injurious preference, from a barren ascendancy, to restore to property its influence, to station its authority, to social and to personal virtues their legitimate claims on the respect and affections of an enthusiastic and devoted people. I trust that the principles announced in that debate, so undeniable in their wisdom, shall produce corresponding fruits, and that Her Majesty's Government shall, at no long interval, announce the adoption of an altered policy. I would call upon them to look to the condition of Ireland, to the resolved and excited spirit of the people, and to provide in time for the safety of the empire. They will, I trust, discard the unworthy suggestion that their concessions may be imputed to their fears. Wise and provident apprehension is the first duty of a Government; its salutary influence combining with yet loftier considerations achieved the Emancipation Act under the auspices of the right hon. Baronet. Let equal wisdom and a kindred spirit now animate your policy. A great opportunity is profferred to your acceptance to extinguish agitation by redress, to anticipate revolution by reform, to tranquilize a people, to consolidate an empire. But if you will not summon a resolution befitting your position—if you will not wisely conciliate or finally redress—you owe it to your own character, and to the awakened jealousies of the people of England, whose constitutional privileges are equally involved, to assent to the present Motion, and ascertain how it was, whether by accident or by design, you tried and convicted the distinguished leader of the Catholic body, by the instrumentality of a Sectarian and suspected tribunal.

The House divided: Ayes 73; Noes 91.—Majority 18.

List of the AYES.

Archbold, R.
Bannerman, A.
Barnard, E. G.
Bellew, R. M.
Blake, M.
Bouverie, hon. E. P.
Bowring, Dr.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Buller, E.
Busfeild, W.
Carew, hon. R. S.
Chapman, B.
Clive, E. B.
Cobden, R.
Colborne, hn. W. N. R.
Collett, J.
Dawson, hon. T. V.
Denison, W. J.
D'Eyncourt, rt. hn. C. T
Duncan, G.
Duncannon, Visct.
Ebrington, Visct.
Esmonde, Sir T.
Evans, W.
Ferguson, Col.
Forster, M.
Gore, hon. R.
Hastie, A.
Hawes, B.
Heathcote, J.
Hill, Lord M.
Horsman, E.
Howard, P. H.
Hutt, W.
Langston, J. H.
Macaulay, rt. hn. T. B.
Macnamara, Major
Marshall, W.
Mitcalfe, H.
Morris, D.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, J.
O'Connell, M. J.
O'Conor Don
O'Ferral, R. M.
Paget, Col.
Palmerston, Visct.
Pechell, Capt.
Philips, G. R.
Plumridge, Capt.
Power, J.
Rawdon, Col.
Russell, Lord E.
Seale, Sir J. H.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, B.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, Sir W. M.
Stock, Mr. Serj.
Strutt, E.
Tancred, H. W.
Thornely, T.
Towneley, J.
Warburton, H.
Wawn, J. T.
White, H.
Williams, W.
Yorke, H. R.

TELLERS.

Wyse, T.
Stuart, V.

List of the NOES.

Ackers, J.
Acland, Sir T. D.
Adderly, C. B.
Arkwright, G.
Bailey, J.
Bailey, J., jun.
Bailey, Col.
Baring, hon. W. B.
Bateson, T.
Bentinck, Lord G.
Blackstone, W. S.
Bodkin, W. H.
Borthwick, P.
Bowles, Adm.
Brisco, M.
Brooke, Sir A. B.
Bruges, W. H. L.
Buck, L. W.
Buckley, E.
Bunbury, T.
Cardwell, E.
Chetwode, Sir J.
Christopher, R. A.
Clerk, Sir G.
Cochrane, A.
Cole, hn. H. A.
Darby, G.
Dickinson, F. H.
Douglas, J. D. S.
Eliot, Lord
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Fellowes, E.
Flower, Sir J.
Follett, Sir W. W.
Forbes, W.
Fuller, A. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grogan, E.
Hale, R. B.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Henley, J. W.
Herbert, hn. S.
Hinde, J. H.
Hogg, J. W.
Hope, hon. C.
Hotham, Lord
Hussey, A.
Hussey, T.
Jolliffe, Sir W. G. H.
Jones, Capt.

Knatchbull, rt. hn. Sir E.
Knight, H. G.
Knight, F. W.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
McGeachy, F. A.
Maxwell, hon. J. P.
Morgan, O.
Neeld, J.
Norreys, Lord
Palmer, R.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Rashleigh, W.
Round, J.
Shirley, E. J.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Taylor, E.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Ald.
Trollope, Sir J.
Vernon, G. H.
Vesey, hon. T.
Waddington, H. S.

TELLERS.
Young, J.
Pringle, T.

CHURCH ENDOWMENT AMENDMENT ACT.] Sir *R. Peel* said, he had to move for leave to bring in a Bill to amend that part of the Church Endowment Act of last Session, which related to fees on the appointment of clergymen. It would be remembered that 600,000*l.* was the sum to be applied to providing clergymen for new districts, the maximum of their allowance being 150*l.* The sole object of the present Bill was to relieve such clergymen from the usual fees. The House would be perhaps desirous to know what was the effect of the Act of last year. There were 246 applications to the Commissioners; there were thirty-four new appointments, and engagements were entered into with 100 more—in all 134. In the first class the population amounted to 130,000, in the last to 344,000. So that provision had been made for the spiritual attendance of nearly 500,000 under this provision. The passing of that Act had given a great impetus to improvement of the Church through voluntary exertion; and if the effect had been such as he had stated during the short period the Act was in operation, he thought he was not too sanguine in hoping that still greater benefit would be derived from it when further progress was made in its operation.

Leave given.

DUCHY OF CORNWALL MANORS.] On the Motion that the Duchy of Cornwall Assessionable Manors' Bill be read a second time.

Captain *Plumridge* objected on account of the absence of many hon. Gentlemen, who were to take part in the discussion of it, and on account of its seriously affecting the rights of individuals who had had no time to examine its provisions and oppose it. He moved "that the further consideration of the Bill be deferred."

Sir *R. Peel:* One of the reasons on account of which Government make no progress in Bills is, that continually their farther progress in them is delayed, because some hon. Gentleman interested in them is absent. The reason of Government bringing forward this Bill is, to prevent litigation, and to apply the principle of prescription to Duchy lands as well as Church lands. The Bill meets with the entire approval of the Duchy of Cornwall and its inhabitants, indeed, I have reason to believe that the Bill meets with universal approbation. The right hon. Baronet then read several of the Clauses of the Bill, and said there would be an opportunity of discussing them when in Committee. The Bill has met with the cordial concurrence of all concerned in it, and my only reason for pressing it is, I repeat, that we are anxious that the principles of prescription shall apply to Duchy lands as well as Church lands. I do hope, under these circumstances, that the hon. and gallant Gentleman will not prevent the House from dividing upon the measure at once.

Mr. *V. Smith* hoped that his hon. and gallant Friend would not press his objection, which could be as well discussed in Committee.

The Earl of *Lincoln* could assure the hon. and gallant Gentleman, that all concerned in the Duchy of Cornwall had been fully informed of the particulars and details of the Bill. He trusted that the hon. and gallant Gentleman would not press his objections, as he hoped to be able to make such arrangements as would be satisfactory to him.

Captain *Plumridge* was unwilling to go in opposition to the sense of the House, which as he perceived was against him, and he would not press his Motion.

Mr. *Hawes* had had strong protests forwarded to him against the further progress of this Bill. He had replied to those protests, that he knew nothing of the Bill, and when he assured the House that since the 31st of June, no less than forty Bills had been introduced, he was sure that he must stand acquitted of any neglect. He hoped as the Bill had been so lately introduced, that further time would be given for the consideration of it

Sir *R. Peel*: I beg to say, that this Bill was introduced before the 31st of June. The Government has been in communication with all parties affected by it, and as far as they are concerned, it is unopposed.

Bill read a second time.

Adjourned at Twelve o'clock.

HOUSE OF LORDS,

Tuesday, July 16, 1844.

MINUTES.] BILLS. *Public.*—1ª· Art Unions.

2ª· Actions for Gaming Discontinuance.

3ª· and passed:—Customs Duties (Isle of Man); Three-and-a-Half per Cents. Exemption; Vagrants Removal; Prisons (Scotland); Turnpike Acts Continuance.

Private.—2ª· Gape's Divorce.

Reported. — Wells Lighting and Improvement; Delabole and Rock Railway; Paisley General Gas; Middle Level Drainage and Navigation.

3ª· and passed:—Werrington, etc. Curacy, or Hele's Estate (Marchioness of Lothian's); Market Harborough and Coventry Road; Leeds Vicarage (Dr. Hook's).

PETITIONS PRESENTED. By Lord Kenyon, from Cheshire, and Shropshire, for Protection to Agriculture.—By Lord Beaumont, from County of Lancaster, respecting Bequests to Roman Catholic Clergy; and for Revision of the Law relating to Patrons of Roman Catholic Chapels.

ART UNIONS BILL.] Lord *Monteagle* laid on the Table a Bill for legalising Art Unions under certain circumstances. The noble Lord stated, that the proceedings adopted by Art Unions had gone on for many years undisturbed, and had met with the support of many of their Lordships and some of the Judges; and the result of them had been, that a new field had been opened to the Arts, which had given encouragement to many artists. It appearing, however, that these practices were strictly in violation of the Lottery Act, they had been put a stop to, though he believed that it never had been contemplated to direct the Act against societies united merely for the distribution of works of art. The Bill which he laid upon their Lordships' Table, therefore, provided that the practice hitherto pursued by Art Unions should be allowed to be pursued from and after January next by such Art Union Societies as should obtain a Royal Charter of Incorporation, and also by smaller Art Unions who might not be able to go to the expense of a Charter of Incorporation, if their rules had been previously approved of by the Board of Trade.

Bill read a first time.

ACTIONS FOR GAMING DISCONTINUANCE (NO. 2).] The Duke of *Richmond*, in moving the second reading of this Bill, said, that it was merely a Bill to continue an existing Bill which expired at the close of the present Session, for staying proceedings in certain *qui tam* actions for penalties. The Committee which had been appointed upon this subject had not led to any settlement of the whole question during the present Session, and this was the ground upon which the protection afforded to certain defendants was sought to be extended.

Lord *Campbell* said, that he should not oppose the second reading of this Bill; but he thought it right to state, that he had been requested by certain parties interested in these actions, to present a petition, praying that they might be heard by counsel at the Bar against the Bill. That petition he had not yet received; but he begged to give notice, that if he did receive it before the remaining stages of the Bill were gone through, he should certainly present it, and make a Motion in conformity with its prayer.

The Duke of *Richmond* said he had no objection to the parties being heard by one counsel, or two if they pleased; but he only put it to the House whether there existed any precedent for hearing a party against a Bill which did not destroy a right of action, but merely suspended it?

Lord *Campbell* said, that to suspend proceedings might in itself incur a positive pecuniary loss.

After a few words from the *Lord Chancellor* and the Duke of *Richmond*,

Bill read a second Time.

PARTY PROCESSIONS (IRELAND).] The Earl of *Wicklow* wished to draw the attention of Her Majesty's Government to a subject which appeared to him to be intimately connected with the peace of Ireland. When, some years ago, the Party Processions Prohibition Act was passed, although it was evidently directed against the Orange party in Ireland, yet it was so framed that it might be extended to all processions of political parties in that country. Unfortunately, since that time a new party had arisen, and the right of meeting had been turned into a curse. A description of processions was now common in Ireland, which arising out of circumstances in themselves great blessings to the country, had been made the occasion for practices which had tended to increase animosity and ill-will (the noble Earl apparently alluded to the Temperance Societies). The whole of those who attended the meetings and processions to which he referred were of one particular religion and one political party, and they had their distinguishing emblems and banners. Under these circumstances, and in this state of things, his object was to ascertain whether it was the intention of Government to renew the Party Processions Act? and if so, whether under this alteration of circumstances, it was intended to put down this new description of processions? If these processions were allowed under the Act, a new principle would be introduced by the Government that would tend exceedingly to lower their character for impartiality. For his own part, he was perfectly convinced that there was not the slightest danger to be apprehended, if this Act were not renewed. The parties against whom it was originally directed placed the utmost confidence in those to whom they conceived confidence to be due, and they had not shown any disposition to march in procession—he thought, therefore, that the Government might abstain from renewing the Act altogether. But if it were renewed, it ought, he submitted, to include the processions of all those societies and associations that had recently sprung up. He begged leave to observe, that he had abstained from putting these questions until the anniversary days had passed when certain processions formerly took place in Ireland—and those days, so far as he was yet informed, had gone by without the slightest breach of order having been committed.

Lord *Wharncliffe* said, that although his noble Friend had, he thought, rather exceeded the bounds of order in the observations which he had made, he had no objection to give such answers as he could to the questions which he had put. His noble Friend, if he referred to the Votes of the House of Commons, would find that a Bill had been brought in on the subject he referred to, and that it stood for Committee this evening. In what state that Bill might come up to their Lordships it was impossible for him (Lord Wharncliffe to predict; he believed, however, that the Bill renewed till the 1st of June, 1845, an Act already existing against Party Processions in Ireland, which would give Parliament time to reconsider the whole subject. Under these circumstances he did not think it would be right for him on the present occasion to enter upon any reply to his noble Friend's remarks. When the Bill came up from the other House there would be a proper opportunity for discussing the subject, and his noble Friend might propose any Amendment which he thought the Bill required. He would only add, however, that he thought he would find it very difficult to frame a Clause which would put an end to the temperance meetings which would not also put down all public societies whatever.

MR. ALEXANDER O'DRISCOLL.] Earl *Fortescue* said, he would make no apology for the Motion which he was about to bring forward, because he was persuaded that few questions could be submitted to that House of greater importance in their bearings on the social condition of Ireland than those which related to the conduct of her magistrates. And if he could shew from the papers which had been laid before the House, that the Lord Chancellor of Ireland was borne out in the opinion which he had expressed "that Mr. A. O'Driscoll had not that command over his temper which was essentially necessary for the due administration of Justice," he Lord Fortescue thought, that their Lordships would feel with him that some information or explanation was due to that House and to the public, but more especially to the public of Ireland as to the grounds upon which in the face of this opinion of the Lord Chancellor recorded under his hand, Mr. O'Driscoll, after having been dismissed, was within six months restored to the commission of the peace. He should now shortly refer to the facts of the case, as they were detailed in the papers. The first of these is a memorial from one Daniel Dineen, stating that on the 2nd of November he was on the lands of Sulivan, a tenant of Mr. O'Driscoll, whilst a distress was taking for Mr. O'Driscoll's rent. That some cows of his (Dineen's) which had strayed on the land were seized, but soon afterwards rescued by parties unknown to Mr. O'Driscoll's Bailiff, in the presence of Dineen, who in consequence received a summons from Mr. O'Driscoll, calling on him to attend at Mr. O'Driscoll's own house. He attended accordingly on Saturday the 4th when he was required, on oath, to state who the parties were who committed the rescue. On his declining to answer, he was taken before another magistrate; and persisting in his refusal, he was placed in the bridewell at Skibbereen, and confined there from the 4th to the 8th of November, when he was brought before the Petty Sessions, of which Mr. O'Driscoll was chairman, and in that capacity began to examine his Bailiff respecting the rescue, but on being reminded by the magistrates that he ought not to act in his own case, he descended from the Bench and continued his examination at the Table below. The magistrates did not consider that there was sufficient ground for a criminal information, but they remanded the prisoner for the purpose, as he considered, of obtaining further evidence. He was accordingly remanded to the Bridewell from the 8th to the 14th of November, on which day, without any application from him, he was set at liberty. The Lord Chancellor of Ireland sent this memorial to Mr. O'Driscoll for explanation, and he received an answer, giving a different colour to the transaction, but admitting the main facts, Mr. O'Driscoll adding that he had suspected the man of instigating the rescue. The Report of the Magistrates was very nearly to the same effect, except that they stated that it did not appear from the evidence that the man had instigated the rescue. Upon a revision of all the circumstances, the Lord Chancellor of Ireland made a communication to Mr. O'Driscoll to the effect that he ought not to have acted in his own case, but that he (the Lord Chancellor) did not intend to interfere any further in the business, but would leave the man to whatever remedy the law gave him. He made a similar communication to Dineen, who justly enough observed that this to a poor man like him was, indeed, no remedy at all. Whilst this inquiry was pending, Mr. O'Driscoll was again brought up before the same Bench of Magistrates on a charge of assault under the following circumstances:—a gentleman was shooting in the neighbourhood of Skibbereen, and seven or eight boys were looking on. Mr. O'Driscoll, who was hunting near the spot, hearing a shot, rode up to the boys, who dispersed in alarm. One of them, named Dempsey, he pursued to the cottage of a poor woman. The boy ran into the cottage and hid himself under a bed. Mr. O'Driscoll called on the woman to turn the boy out, and the woman, as she stated, in consequence of her own and her children's alarm did so, whereon Mr. O'Driscoll asked him where the gun was. The boy answered, and he (Earl Fortescue) believed truly, that he could not tell, as he had nothing to do with it. Mr. O'Driscoll then, according to his own account, gave him a blow with his whip, but, according to other accounts three or four severe blows. It also appeared that language was used by Mr. O'Driscoll to the boy and afterwards to the woman, when she told the boy to "quit the house so that he might not be killed at her door," such as he would not disgust their Lordships by repeating, as it was not only unsuited to a person holding the office of a Magistrate, but utterly unbecoming any person with the common feelings and habits of a gentleman. On the evidence brought before the Bench, the Magistrates unanimously convicted Mr. O'Driscoll in the fine of 2*l.*, one half of which was allotted to the boy as an indemnity for what he had suffered. On this decision being announced to Mr. O'Driscoll, he resumed his place on the Bench and stated in presence of all the Court that justice had not been done; and repeated this statement more than once on which an altercation took place between him and the other Magistrates which could not have been very edifying to that portion of the public which was assembled in the court—but Mr. O'Driscoll was at last forced to make a public apology to the Bench. These circumstances having been brought under the cognizance of the Lord Chancellor of Ireland, that learned Lord felt it necessary to notice what had occurred, and he called their Lordships' attention to the learned Lord's Minute on the subject. After detailing the particulars of both cases, the Lord Chancellor proceeded to say,

"In an ordinary case I should not feel myself called upon to take any further notice of this charge; but from Mr. O'Driscoll's explanation it may be inferred, that he would not have struck the boy if he had told him the name of the person who carried the gun that had been shot off. Mr. O'Driscoll states, upon his honour as a gentleman, that he merely gave him one slap of the thong of the whip across the shoulders; but this, like the first act, appears to bear the character of a punishment for not giving evidence to Mr. O'Driscoll in his own case. Mr. O'Driscoll after his conxiction committed one of the gravest faults of which a Magistrate can be guilty; he openly accused his brother Magistrates of not baving done justice in his case; he was, however, greatly excited, and shortly afterwards redeemed his fault, as far as a gentleman could, by returning into Court, and making a public apology, which was kindly received by the sitting Magistrates; and I should, under ordinary circumstances, be most unwilling to advert to his prior conduct on that occasion. But all these charges taken together satisfy my mind that Mr. O'Driscoll has not at present that command over his temper and actions, even when acting in his Magisterial capacity, or appearing as a Defendant before the Bench, which is so essential to the due administration of justice; he is, I am told, far advanced in life, and has suffered lately from occasional ill health, and I therefore beg to suggest to him that it will be advisable that he should retire from the Bench. If a supersedeas issue it will be solely on these grounds." E. B. SUGDEN, C.

Now, with all due respect for the eminent person who held the Great Seal in Ireland, to whose ability in the discharge of his high judicial functions, no one was more willing to bear testimony than he (Earl Fortescue) was, he must say that this minute appeared to him a most undignified, inconsistent, and inconclusive document. If a case of this kind had occurred in this country, which, he thanked God, he thought to be impossible, as the Magistrates in England, thanks to the control of public opinion, through the medium of the press, were better acquainted with and more observant of their duties, he should have been astonished, indeed, if the noble and learned Lord on the Woolsack, or his noble Friend who preceded him there, after denouncing an individual as not having that command over his temper and actions which was so essential to the due administration of justice, should have superseded him, not on that ground, but merely on the grounds of age and ill health. But he should have been much more astonished if, after having got rid on any ground of a person who had so abused his functions, the noble and learned Lord on the Woolsack should have, within six months, without any disproof of the facts, restored him to the commission of the peace. Such was the case, as appeared from the Papers on their Lordships' Table; but, if he was rightly informed, this was not the first time that Mr. O'Driscoll had fallen under the censure of the Executive Government, nor the first time that he had been erased from the Commission of the Peace. In addition to this, he must observe, that during the progress of these proceedings Mr. O'Driscoll had taken part in some proceedings of the Magistrates at Macroom Sessions, so improper, and so at variance with the provisions and intent of the Arms Bill, as to call down on that Bench the pointed animadversions of the noble Lord, the Secretary for Ireland. On these grounds, he called upon their Lordships to support him in the Motion he was about to make for information respecting the ground of Mr. O'Driscoll's restoration to the Commission of the Peace. The Irish Government, he was afraid, had within the last twelve months done much to impair the confidence of the great mass of the people of Ireland in the administration of the law in that country by the sweeping removal from the Commission of the Peace, on the grounds of political opinions, of many gentlemen well qualified to be in it by character, station, and property, some of them also much experienced in the discharge of magisterial duties, and endeared to the great body of the people by the profession of those opinions which had led to their dismissal. But the Government would destroy all confidence in the administration of justice, and would take from the people every inducement to obey the law, except the fear of its penalties, if they retained, on the grounds of personal favour, or political partisanship, in the Commission of the Peace men who, like Mr. O'Driscoll, outraged the law which it was his duty to administer, and who, in his whole conduct, displayed a spirit and temper utterly unsuited to the magisterial office. The noble Earl concluded by moving:—

"That there be laid before the House, Copies of any Memorials or Representations addressed to the Irish Government recommending the Restoration of Mr. Alexander O'Driscoll to the Commission of the Peace."

Lord *Wharncliffe* wished to observe in the first place, in reply to the noble Earl, that he had not heard any Parliamentary grounds for the information he sought for. The noble Earl had not shown any grounds for interfering; for he apprehended that the Lord Chancellor of Ireland, like the Lord Chancellor of England, when he dismissed from or restored a person to the Commission of the peace, acted in a *quasi* judicial manner, and unless it could be shown that he had acted from personal favour or political motives, there could be no ground for impeaching his proceedings on the subject. The Chancellor might put an exceedingly improper person on the Commission of the Peace, or he might remove a very proper person from it; but who was to be the judge of his conduct? It was not the noble Lord's opinion that was to determine the matter, even though he might have a strong opinion with respect to it; but that was no Parliamentary ground in calling for Papers. He did not, however, lay much stress upon that objection, which in its nature, he admitted, was a mere technical objection; and he should, therefore, come to the facts of the case at once. It was to be observed that, in all the attacks that had been made upon the Lord Chancellor of Ireland, there was no impeachment of his motives either in dismissing or restoring this Gentleman to the Commission of the Peace, nor any imputation that he was influenced by personal favour, or by any political reason whatsoever. It was very true that this Gentleman had behaved in a manner which every one must feel to have been very improper; but at the same time it must be allowed that both cases in which he was concerned had been greatly exaggerated against him. There was then, first, the case of Dineen. That person was a marksman; and let any one read his memorial to the Lord Chancellor, and they would instantly perceive from the style and manner of it that Dineen was the mere tool of somebody else, whatever injury he might have received. Then Dineen, it was said in the first place, was carried before Mr. O'Driscoll. That is, he had been told to come to Mr. O'Driscoll. He was taken to that Gentleman's room. He was asked to state what he had seen. [The Earl *Fortescue:* He was summoned to Mr. O'Driscoll's own house.] That was denied by Mr. O'Driscoll. He said there was nothing more natural than that when an offence was committed against a Gentleman, and he was informed that one of his neighbours had seen it done, there could be nothing more natural than that he should ask that person to come to his House, and give him whatever information he could. It was very natural. [The Marquess of *Normanby:* Yes; but here Dineen was summoned before Mr. O'Driscoll as a magistrate.] Dineen said, he was summoned: Mr. O'Driscoll said he was told to come—but what he (Lord Wharncliffe) meant to say was this, that whether Dineen was summoned or not, he at once went and called upon Mr. O'Driscoll, and he was then taken by Mr. O'Driscoll before another magistrate. That other magistrate tried to get whatever information he could out of him, and then, certainly not in a mode in which matters were conducted in this country—they committed the man to bridewell. Again, however, they were to observe that the man was taken before another magistrate, and whether the man had or had not any knowledge on the subject on which he was questioned, he did not know; but the man was committed, and of course at the request of Mr. O'Driscoll. He was ready to admit that both parties, Mr. O'Driscoll and the other magistrates, were greatly in fault in committing the man, and he thought that the Lord Chancellor was bound to take notice of the fact, and to reprimand them. In the course of the memorial presented by this man (Dineen), it was said that Mr. O'Driscoll had, on one occasion, been censured by the Lord Chancellor, and that he had on another occasion been dismissed. Now, it was but fair to know what Mr. O'Driscoll said in his defence on this subject. He said that the suspension was made in mistake, and that it was immediately recalled; and that, at another time, he had been reprimanded, but it was in a mistake also. The censure was in mistake, and it had been notified by seventy magistrates on both sides of politics, with the Earl of Bandon in the Chair. They had, then, the fact of his having before been both reprimanded and dismissed—and then the explanation of Mr. O'Driscoll as to both cases—and, if Mr. O'Driscoll's explanation was the true one, it took the sting completely out of the charge. They then came to the boy Dempsey. He did not defend Mr. O'Driscoll's conduct on that occasion. He had lost his temper, he had not behaved as a magistrate ought to do, and he had, too, used very improper language to the woman. It was an offence, after all, which perhaps their Lordships would think natural, for a person to commit, Mr. O'Driscoll was out hunting, and he heard a shot, and he took it for granted, as he was afraid a great many gentlemen in this country would have done, that the shot was fired at the animal that was affording him sport. Mr. O'Driscoll, as, he was afraid, too many others would have done under such circumstances, lost his temper. He called to have the boy turned out to him, and then, it was said, he lashed him; according to the account of the boy himself, or rather the account of Dineen, who appeared again in this case, although he had nothing to do with it, the boy was treated most cruelly. Let them now see whether the charge was made out. The boy himself said, that he was struck two or three times with the thong of the whip. Mr. O'Driscoll said that he struck the boy once,and Mr. Jones —undoubtedly an impartial party—said that the boy was struck with the whip; but there was no reason to call it an aggravated assault. He now put it to their Lordships whether or not they had seen persons excited under such circumstances, whether there was not very great excitement felt, if they had even seen a party of Gentlemen interrupted in their sports. How strong, he said, must be a person's feeling on such an occasion? for if there was one thing more than another that annoyed Gentlemen, it was to disturb them in their sports [*cries of* " Oh, oh."] He did not defend Mr. O'Driscoll's conduct. It was the duty of that Gentleman never to have put himself in such a situation; but then he did say, without letting that fact at all out of consideration, whether or not there was some palliation in such a circumstance for his conduct. He then came to the scene before the magistrates, and he must say that he entirely agreed with the Lord Chancellor, that whatever might have been his fault before, the greatest of all was his conduct to the Bench. He certainly, however, it did appear from the Report of Mr. Jones, repair it to a certain degree, by at once tendering an apology. That, then, being the case as to the grievous circumstances which led to the dismissal of Mr. O'Driscoll, let them now come to the restoration of that Gentleman to the Commission of the Peace. Mr. O'Driscoll remained for some time off the Bench, and the Chancellor took no step—had no intention of restoring him. There was an application, however, made to the Lord Lieutenant of the county, backed by a memorial, such as was very seldom presented in favour of any one, asking for his restoration to the Commission of the Peace. That memorial stated that Mr. O'Driscoll was now restored to his health, and that, though advanced in years, there were many older persons in the Commission of the Peace, and that he was now in the full and active possession of his mental faculties and physical powers; that as a magistrate he had always conducted himself with reputation and credit, and, though a Roman Catholic, was a favourite with persons of every creed, that Protestants and Catholics had met with equal justice from him, and the memorialists desired that, by his restoration to the magistracy, no imputation might be allowed to rest upon him. This memorial was signed by five noblemen, thirteen clergymen, forty-one esquires, and 2,842 persons. He must say, that if this Petition were untrue, then all that could be said was, that not only noblemen and gentlemen, but 2,840 persons had told the Lord Lieutenant and the Lord Chancellor that which was not the truth. Surely some credit must be given to these persons. They must believe that the character of the Gentleman was such as they described it to be, and that memorial being forwarded to the Lord Chancellor, he did restore Mr. O'Driscoll to the Commission of the Peace, having made a minute upon the circumstance. This minute was to the effect, that the Chancellor having considered with attention the memorial signed by 2,900 persons, at the head of whom was the Lord Lieutenant of the county, and which included men of all ranks, collected from the memorial that Mr. O'Driscoll's general conduct as a magistrate was such as rendered it desirable that he should be restored to the Commission of the Peace; that Mr. O'Driscoll's previous conduct was mainly attributable to the irritability arising from ill-health, from which he had now recovered; that he therefore reinstated him in his position, feeling confident that from his experience of the past, and from his having nearly 3,000 sureties for his future behaviour, he should hear no more complaints concerning him. He (Lord Wharncliffe) admitted that Mr. O'Driscoll's conduct justly exposed him to reprimand; and he thought the Lord Chancellor of Ireland had acted properly in dismissing him from the Bench; but, on receiving such a memorial as that he had referred to, the Lord Chancellor might fairly think, that after having punished the individual by reprimand and dismissal from the Bench, he might, nevertheless, give credit to the representations in the memorial, and re-instate the party in the position from which he had been dismissed, without danger. These were the reasons of Mr. O'Driscoll's restoration to the Commission of the Peace, and, as the noble Earl had stated no Parliamentary grounds for the production of the papers he had moved for, he (Lord Wharncliffe) must decline to give them.

The Marquess of *Normanby* owned that he had listened with perfect astonishment to the speech which had just been delivered by his noble Friend, the President of the Council. From the very first word to the last he had heard that speech with astonishment—from the very first word in which his noble Friend laid down the extraordinary doctrine that no Parliamentary ground had been stated for this Motion, down to the very last sentence he had uttered, when he again repeated the opinion. His noble Friend had, on a former occasion, declared he would meet the question boldly. He knew his noble Friend sufficiently well to be aware that it was his disposition boldly to meet every question—to expose himself, even where he was not obliged to do so, in defence of others; and when his noble Friend proposed to meet this question, he only gave another extraordinary instance of readiness to fling himself into the breach—to defend, too, a proceeding, even when every word that fell from him must have convinced every one who heard him that he did not think that the step of the Lord Chancellor of Ireland could be justified. His noble Friend had said that he did not think there were Parliamentary grounds for this Motion; and yet how did his noble Friend come to admit that there were good grounds for the original Motion? When he had formerly moved for Papers on this subject they were conceded, and he took no further step in the matter. Why? Because he felt that substantial justice had been done by the removal of Mr. O'Driscoll from the magistracy. But then, when the unexpected, as well as the unexplained, step was taken by the Lord Chancellor of Ireland of restoring Mr. O'Driscoll, there was no person in or out of that House, who heard of it, who was not taken by surprise—and yet his noble Friend said there were no Parliamentary grounds for the Motion! Papers were granted to justify the removal of Mr. O'Driscoll, but when the Government reversed its own decision, were they to be told that no Papers were to be granted to justify his restoration to the magistracy? But, then, indeed, his noble Friend had said, that this objection was merely a technical objection. But his noble Friend said, that what the Lord Chancellor had done was from no political motive — he did not charge the Lord Chancellor with political motives. He made no accusation against that learned personage; but, at the same time, when his conduct was justified by a memorial signed by 2,900 persons, he must own that he should like to know whether those 2,900 persons were not the habitual supporters of the Government; he should like to be satisfied whether they were not persons whom Her Majesty's Government would not like to offend. He was making no accusation against the Lord Chancellor and the Lord Lieutenant of acting from political motives; but he was anxious for further information—he rather wanted to see who were the parties who, upon such slight grounds as that memorial had stated, had persuaded Her Majesty's Government so soon to reverse their solemn decision on this subject. His noble Friend in undertaking the defence, ought, he thought, to have read the Papers a little more completely. He said, that Mr. O'Driscoll had sent for Dineen, whereas Mr. O'Driscoll himself admitted that he sent a summons for him. He said, "I issued a summons to have him brought before me, or some other magistrates." Was he not justified, then, in saying that he ought to have read these papers more carefully? But then his noble Friend said that it was a matter of no consequence, whether Mr. O'Driscoll sent for the man to his own house or summoned him. Why, by the Petty Sessions Act, such a step was a violation of the law, except in cases of the greatest emergency. Now then as to Dempsey—he appealed to his noble Friend whether there was a palliation to be found for his conduct. He had himself looked over the depositions in this case, and he could say, that the language used by Mr. O'Driscoll to the woman who sought to protect the boy, were so disgusting that he would not utter them in the hearing of their Lordships, and they were such as to disqualify Mr. O'Driscoll for the situation in which he had now been restored. There was, then, another important ingredient in the case of Mr. O'Driscoll, which his noble Friend had rather slurred over. He came next to the proceedings in the Court itself. Now, when the Lord Chancellor undertook to give a minute of proceedings, he must say that he ought to give them fairly. The Lord Chancellor's account of the transaction was not that of Mr. O'Driscoll. Mr. O'Driscoll said that for his language to the Bench he had apologised instantly. Was that so? In short, was that true? Let them turn to the account of Mr. Gore Jones:—

"After the Court had intimated to Mr. O'Driscoll the decision to which they had come, he took his seat beside them, and after many observations from him, in such a tone that the persons round the witnesses' table could not hear, and which the Chairman and other Magistrates seemed not to wish to hear, either, as they were proceeding with another case, Mr. O'Driscoll said aloud, 'I say you have not acted with justice.'

"Chairman (Mr. Somerville): Mr. O'Driscoll, you have used an expression which I would not expect from you; you have insulted the Bench, and I don't think you ought to have done so.

"Mr. O'Driscoll: I think I ought, and that I have grounds for it, and you may take it in any way you please.

"Mr. Somerville: Very well; then, Sir, I shall, and we shall see if you be permitted to insult a Bench who have had a most painful duty to discharge. [Here Mr. Somerville took down in writing the expressions used, and put the paper into his waistcoat pocket]

"Mr. Fleming: And I tell you also, Sir, that I shall see if you can use such language with impunity.

"Mr O'Driscoll: I have done so, and care little for the course you adopt."

"Mr. Fleming: Very well."

The Earl of *Glengall* here observed across the Table—Mr. O'Driscoll had done nothing to apologise for.

The Marquess of *Normanby* observed, that it was said by his noble Friend, that Mr. O'Driscoll had done nothing to apologise for; and this after telling the Court and his brother Magistrates, that they had not acted with justice. But hear what was further stated of the conduct of Mr. O'Driscoll:—

"The case which was thus interrupted was then proceeded with, and after it was concluded, Mr. Gore Jones called Mr. O'Driscoll out of the Court, and after a short absence both returned, when Mr. O'Driscoll said in rather a low voice, 'I have been guilty of insulting the Bench, and I will apologise for it, except to the ——.'

"Mr. Fleming: Don't be muttering, Mr. O'Driscoll; speak out! Do I understand you as excepting me?

"Mr. O'Driscoll: Yes.

"Mr. Fleming (to Mr. Somerville): Hand me the paper in which you took down his words.

"The paper having been handed to Mr. Fleming, he said (addressing Mr. O'Driscoll, and reading from the paper), 'You have, Sir, said, that this Bench has not acted with justice towards you. Remember these words.

'Mr. Somerville: An insult offered to the whole Bench, and I will not receive an apology individually.

"Mr. Jones having again conversed with Mr. O'Driscoll, the latter said, 'Well, if I must, I must,' and continued in a low tone of voice, 'Well, I will apologise to the whole Bench.'

"Mr. Somerville: Then do so publicly.

"Mr. O'Driscoll (in a distinct voice): Well, I do apologise.

"Mr. Somerville: Then I destroy the paper on which I took down your words. [Here Mr. Somerville tore the paper.]

"Mr. Becher: I am glad of it, as the decision was unanimous."

He complained that although all the circumstances which he had related occurred before the apology was made, which Mr. O'Driscoll represented to have been instantaneous, Lord Chancellor Sugden took no notice of them. Ultimately, Mr. O'Driscoll said, "Well, I do apologise to the whole Bench," and then Mr. Somerville destroyed the paper on which he had taken down his words. He now came to the memorial. He should like to know whether those who signed it were aware of the facts to which he had just referred, and knew that Mr. O'Driscoll had given such an account of the matter to the Lord Chancellor, although he had shown so much pertinacity in refusing to apologise for an act which had admitted of no justification; and he was also anxious to know whether those amongst whom and those over whom Mr. O'Driscoll was to act, had signed it—whether Mr. Somerville and Mr. Becher and Mr. Fleming had signed it? He spoke with great respect of the noble Lord Lieutenant of the county and of those Gentlemen who had signed the memorial, but he said they ought not to have done so unless they had consulted the feelings of those amongst whom Mr. O'Driscoll had misbehaved himself. It was easy to produce an effect, and to procure signatures to a memorial by appeals, such as "Poor old O'Driscoll — he is breaking his heart about their having turned him out of the Commission—don't you recollect the capital run we had when he struck the boy?—it was all about that." But he (Lord Normanby) said that with the facts of this case before him, he should never have signed such a memorial. And how had this consistent Government acted with respect to other parties? What was Lord Lucan's case? He thought, and always had thought, Lord Lucan a very ill used man. He had, perhaps, under extreme provocation, forgotten himself, and used one term of which he repented as soon as he was delivered of it; it was a very objectionable one, but it was to a person who was at the time irritating and aggravating him, and misbehaving himself in an extreme degree. But did Lord Lucan insult the Bench? Did he tell them as Mr. O'Driscoll did, that they had not done justice in his case? And his learned and noble Friend reminded him that Lord Lucan had first thrown himself upon the protection of the Bench. He had thus shown his innate good feeling until his temper was aggravated beyond control. He had never heard of so extraordinary a course as that pursued by the Government in the case of Lord Lucan. Could there have been any difficulty in Lord Lucan procuring a memorial in his favour if he had condescended to such a course? The Government, it was true, offered to restore him; but they stated at the same time that the condition of restoration would be the reinstatement of the person who had been the cause of the quarrel, who was his agent and who had no qualification for the Bench, except what he derived originally from the favour of the person whom he insulted. He held that the greatest weakness a Government could show was to be afraid of being thought afraid of doing justice in such a case as that of Lord Lucan. But this was not all that was to be expected with respect to persons dismissed from the commission of the peace, if the Lord Chancellor of Ireland persevered in his present course. He (Lord Normanby) had had the misfortune to recommend to the Lord Chancellor of Ireland, who acted upon his recommendation the dismissal of a gentleman of high character from the commission of the peace —he meant Colonel Verner. He much regretted it at the time, but felt it his duty to do so. The circumstances had been often before the public, and it was only necessary for him to remind their Lordships that when the Act against party processions was brought in, Colonel Verner, at a late hour in the evening, proposed a toast which was considered as necessarily exciting one class of the people against another. He (the Marquess of Normanby) wrote to him for an explanation, and should have been happy to have received such a one as would have prevented the necessity of his proceeding further; but Colonel Verner acting upon that feeling against the Government which the high Protestant party in Ireland at that time cherished, refused to give any explanation; and he (the Marquess of Normanby) felt himself bound to take the step of recommending his dismissal; but Colonel Verner was in every way qualified for his station as a magistrate, and he said, that if Mr. O'Driscoll was restored, the Government would commit an act of great injustice to Colonel Verner if they did not also restore him to the commission of the peace: and he thought, considering the length of time since the affair had occurred, that such an act would be meritorious and praiseworthy on their part. There was nothing in the Papers to show where the Lord Chancellor had picked up the story about Mr. O'Driscoll being in ill health. He had certainly shown his vigour on Dempsey; but even supposing the Lord Chancellor to have been right in assigning the state of Mr. O'Driscoll's health as the justification of the course which he had pursued, he begged to ask how did these 2,800 people know of Mr. O'Driscoll's restoration to health? He (Lord Normanby) thought that if the dismissal of a magistrate was good for anything, it was only a good thing if the fair and honest grounds upon which it was felt to be necessary were stated to the public; but could any man read the minute of Lord Chancellor Sugden without seeing, that by way of softening the proceeding to Mr. O'Driscoll it was put upon grounds which were not the real ones? It stated—

> "He is, I am told far advanced in life, and had suffered lately from occasional ill health, and I therefore beg to suggest to him that it will be advisable that he should retire from the Bench. If a *supersedeas* issue, it will be solely on these grounds."

He hoped the Lord Chancellor of Ireland would not persevere in giving such reasons for his acts. He had been the more anxious to take an opportunity of saying a few words on this subject, because at this moment a change of Government was about to take place. As to the noble Earl who was about to leave this country, he had every feeling of personal kindness for him, and it was notorious that from ill health that noble Lord had not been able to pay that attention to his duties which no doubt he otherwise would have done; but he (Lord Normanby) was not prepared to say at present that the Lord Lieutenancy ought to be abrogated. Although we must look forward to the time when the two countries should be placed upon a footing of perfect equality, and when that office could be dispensed with, he was not prepared to say that we were yet arrived at the time when the protection arising from the presence of a resident governor could be withdrawn. But if a Lord Lieutenant was to continue to reside in that country, it must be understood that he did his own business. To the Lord Lieutenant every one looked, and the moment a question arose as to this being the act of one person and that of another, the whole system became one of intrigue, instead of being what it ought to be, and what he believed it must for some time continue to be, one of protection to the people. He did not know whether he rightly understood his noble Friend to say, that he would refuse the papers on the ground that no Parliamentary case had been made out for their production.

Lord *Wharncliffe* said, he had observed —rather as a protest than for any other purpose—that no Parliamentary ground had been made out for the Motion; but if the noble Lord wished for the Papers, he had no objection to their production.

The Marquess of *Normanby* said if his noble Friend had any doubt on the subject, he should recommend him to take the sense of the House upon it; but he conceived that the strongest possible parliamentary grounds had been shown. If his noble Friend did not refuse the Papers, he should say no more; but he thanked his noble Friend for bringing the case forward, and he thought the more such cases were brought forward, the more substantial justice would be done.

The Earl of *Ripon* said, as his noble Friend did not mean to press his objection to the production of the papers, he did not think it necessary to enter into the particulars of the case. He felt no disposition to palliate or at least to excuse the conduct of Mr. O'Driscoll in the matter which was first brought under the notice of the Lord Chancellor; but he thought there was nothing of which he was accused which implied misconduct in his magisterial capacity except the insult to the Bench. The noble Marquess had said that he did not wish to throw so much responsibility upon the Lord Lieutenant, because the state of his health had rendered him unable to attend to the duties of his office. Now he must, on the part of the Lord Lieutenant, disclaim all excuse on that ground. He would venture to say that those who had to deal with the Lord Lieutenant, however they might have witnessed the suffering which ill health produced had never seen any indolence in the discharge of his duties as one of its effects, or any disposition to permit himself to be urged to any course to which, in his conscience, he did not feel himself bound; and he would venture to say that whatever was the course he had pursued—whether it was right or wrong—it was the result of his own deliberate consideration, and not of putting his conscience at the feet of any other person.

The Earl of *Wicklow* also bore testimony to the assiduity and vigilance with which Earl De Grey discharged the duties of his office. With regard to Lord Lucan's dismissal, he (the Earl of Wicklow) considered it, as he had before strongly declared, one of the most unjust transactions that had ever been known; and he thought that the conditions that had subsequently been proposed—viz. the concurrent restoration of Mr. O'Malley increased the impropriety of the conduct which had been pursued towards Lord Lucan; but with regard to Mr. O'Driscoll, he would not participate in the condemnation of the course pursued by the Irish Government, for he saw nothing in that Gentleman's conduct which would justify his permanent exclusion from the commission of the peace.

The Marquess of *Clanricarde* said, he totally differed from the noble Earl who had just sat down, in the conclusion at which he had arrived, with respect to the degree of propriety in Mr. O'Driscoll's conduct. The report made by an authorised person, showed that after the Court had intimated to Mr. O'Driscoll the decision to which they had come, he took his seat amongst them, and, after many other observations, said aloud, " I say you have not acted with justice." [Lord *Wicklow*: He sat on the bench near the magistrates, as many persons do, but he was not acting in a magisterial capacity.] Mr. O'Driscoll began by saying " Let us do justice in this case, which was not done in the last," and it was clear that he did misbehave himself in his magisterial capacity in that case, as well as in the case of the man whom he summoned to his own house in defiance of the Petty Sessions Act, and of all the rules for magisterial procedure. He (Lord Clanricarde) said that any man of whom such facts came out as were proved in this case, was incapacitated, both by his temper and his conduct, from being a proper and a good magistrate. It was new to him that any man was entitled by his property to be a magistrate, if he was not also qualified by his conduct and his temper. No attempt worth notice had been made to excuse the act of which Mr. O'Driscoll had been guilty with respect to the boy; but beyond that he said, that in this correspondence Mr. O'Driscoll was convicted of two, if not three distinct falsehoods. His statement that he had instantly apologised was inconsistent with the facts, and was an endeavour to mislead the Lord Chancellor, and he thought a person capable of such an attempt was not a proper person to be continued in the Commission of the Peace. Again, after it had been distinctly proved that the boy whom Mr. O'Driscoll struck was not poaching, but that it was a gentleman named Townsend who fired the gun, Mr. O'Driscoll, twice in his letter after that disproof, stated that the boy was poaching. He thought that there was not a shadow of justification for restoring him to the Commission of the Peace. The President of the Council, by way of excuse for Mr. O'Driscoll, said that he had been betrayed into violence in consequence of excitement produced by the sports of the field; but this Mr. O'Driscoll himself denied, and there was no reason to suppose that Mr. O'Driscoll would not again do what he had already done, for he showed not the least compunction for it. He had expressed his regret for his conduct to the magistrates; but with respect to Dineen, or the "poaching urchin," as he called the boy, he did not seem to think he had done anything wrong. Mr. O'Driscoll denied the fact of his temper being inflammable, except in the one instance, to his brother magistrates. This was the gentleman whom the Government restored to the Commission of the Peace, and then they wondered that the people had not confidence in the magistracy, and that they resorted to what was called the wild justice of revenge—this gentleman having been twice restored, for he had before been dismissed by the deliberate judgment of the Lord Chancellor. The President of the Council must have forgotten his own speech with reference to votes of the late Government, although he (Lord Clanricarde) defied him to show that they did not rest upon as good grounds as this. The only excuse given for restoring Mr. O'Driscoll was the high character and the number of those who had signed the memorial in his favour. Why, if the Government were to restore to the Commission a gentleman, who no one could say had behaved as he ought, because he had been recommended in a Memorial signed by 2,800 persons, they might turn out of it for their political opinions persons in whose favour—he did not exaggerate when he said he could procure a million of signatures if necessary. If Mr. O'Driscoll was to be restored because there were 2,800 signatures in his favour, why should popular magistrates be turned out of the Commission because they entertained an opinion which, he was sorry to say, many honest persons entertained, that a Repeal of the Union was desirable. The facts of Dineen being a poor and illiterate man, and of the paper being written for him by some one else, were brought forward apparently to weaken the case. Why, he said that was the strength of the case. The best reason why Mr. O'Driscoll should have been removed was, because it was a person of the humbler class upon whom he had attempted to trample. Was there any proof that he assaulted Mr. Townsend, who was the person really shooting? No; but he directed his gross and violent language to a poor woman, treated a boy with severity, and attempted to act with oppression towards Dineen. He was sure the President of the Council did not mean that Dineen was not entitled to justice because he was a poor man; but the Lord Chancellor's minute showed that he considered his Memorial not entitled to so much attention, because it was written for him by another person, Dineen himself not being able to write. Was he not right in applying to a person who could put the case forward fairly and properly? But he believed that this was not a solitary case as regarded Mr. O'Driscoll, and he would refer as a proof of that to the statement made in open court of the cause for not serving a summons on that gentleman. The attorney for the complainant stated in open court, that the official of the court refused to serve a summons upon Mr. O'Driscoll; and what excuse did that official give?

He said the person who was in the habit of serving summonses stated to him that he dared not serve a summons upon Mr. O'Driscoll, because if he did Mr. O'Driscoll would drive a ball through him. [Lord *Wharncliffe*: That is a statement from a newspaper.] He said it appeared as a Report of the proceedings in a court of justice, but he was satisfied if the noble Lord wished to rest his whole case upon that. That reason assigned for not serving the summons showed pretty clearly how well the character of Mr. O'Driscoll was understood in the country.

The Earl of *Bandon* said, that he would not enter into the merits of the case, but he wished to state that he knew nothing of the memorial until it was brought to him numerously and respectably signed, and of course he had no previous knowledge of the intention to get up that memorial. Before the memorial reached him, it bore the signatures of nearly 3,000 persons of all political and religious opinions, and two of the Peers who signed it were of the politics, he believed, of noble Lords opposite; in addition to which, it was signed by a number of magistrates, who had been in the habit of acting with Mr. O'Driscoll, when he was on the Bench. He (the Earl of Bandon) had known Mr. O'Driscoll for a long time as a respectable magistrate, and he believed, when that memorial was brought to him, an old magistrate had been sufficiently punished by the degradation of being dismissed from the Commission of the Peace —a punishment which he would not say had been unjustly inflicted.

Lord *Campbell* said, that the noble Earl had shown a great deal of good feeling in the part he had taken; but he had shown strongly the truth of what fell from his noble Friend—he had shown that the memorial had proceeded merely from good nature. He stated that he was not acquainted with the facts.

The Earl of *Bandon* said, he was well acquainted with the facts; but he had said that he should not enter into them, as it was his intention to confine himself to the subject of the memorial, and the portion of the transaction in which he had been concerned.

Lord *Campbell* said, that the House had a right to be thankful to the noble Earl for the manner in which he had come forward to explain all the transactions with respect to the memorial. It was his (Lord Campbell's) duty, as a Member of their Lordships' House, to give his opinion in the most frank and free manner upon this subject, and he should therefore say that the noble Earl sat down without showing one reason why the decision to which the Lord Chancellor of Ireland had come in dismissing Mr. O'Driscoll from the Commission of the Peace ought to be reversed, and that gentleman re-appointed. There were in such a case the true reasons and the ostensible reasons. Now, the true reason was his conduct with regard to Dineen, a man whom he had summoned in his own case to his own house, and did what amounted to the infliction of torture in order to obtain a confession of his knowledge of certain proceedings. He had, in fact, shown by his conduct that he was unfit for the office of a magistrate. There were offences in which those engaged in the administration of justice might be forgiven, but there were others which ought not to be forgiven. Now, with regard to the ostensible reason for dismissing Mr. O'Driscoll, what was it? The ostensible reason was, that Mr. O'Driscoll was a gentleman of bad temper, and bad health, and of advanced age. The memorial stated that Mr. O'Driscoll had recovered his health, but it was silent as regarded his temper—it had not stated that he had any. Homœopathic application recovered his temper with his health. Then there was another of the ostensible reasons which could not have been removed, namely, old age; he could not have grown younger unless, like a crab, he went backwards. It appeared that, taking the health, and the temper, and the conduct displayed by Mr. O'Driscoll into consideration, he was not considered fit any longer to hold the Commission of the Peace. Now, had the memorial, or had anything they had heard to-night, shown that these grounds were altered, and that he ought to be restored? If a magistrate were dismissed from the Commission of the Peace for a grave cause, which showed that he was unfit to be a magistrate, was it to be said that any memorial, however respectable, was to be considered sufficient ground for reversing the punishment? Did not the memorial itself show the evil that might by possibility arise from such a practice? The memorial was signed by 2,800 persons before it was brought to the Lord Lieutenant of the county, but if it were brought to him in order to have his signature before any other—if he were consulted in the first instance, he would not have signed the memorial—he would have said, "By no means; the Chancellor has properly dismissed him, and he ought not to be restored." He (Lord Campbell) rejoiced to perceive that the Government were ashamed of the course which had been pursued with respect to Mr. O'Driscoll, and that they had altered the course which they had originally been prepared to take. The noble President of the Council at first said that there were no Parliamentary grounds for giving the information; but when the arguments appeared so strong, and the case irresistible, for once, although they possessed authority and power, and might have a large majority, yet they thought better of the matter, and agreed to give the papers required.

The Earl of *Glengal* said, that this was altogether a party proceeding from beginning to end, and the real motives which actuated persons in relation to it, were motives which did not appear on the papers that had been laid before their Lordships. People in this country were not aware how much persecuted magistrates in Ireland frequently were; the lowest, and meanest, and most contemptible species of attornies attended the petit sessions, for the purpose of picking holes in the conduct of the magistrates. Mr. O'Driscoll was a Roman Catholic gentleman, and like all the magistrates who were Roman Catholics, and were at the same time opposed to Repeal, was odious to the conspirators, who were destroying a country that, only for the detestable machinations of those persons, would be one of the most flourishing countries in the world. The case was made up against Mr. O'Driscoll in that low pettifogging manner—it was a case like that which was tried a few days ago in the county of Roscommon, in which the Repeal Association sent down 25*l.* for the purpose of carrying on proceedings against a Conservative gentleman, who had made himself obnoxious to the Repealers. Two cases of nearly a similar nature happened in the county with which he was connected, and they afforded instances of the persecutions to which magistrates are frequently subjected in Ireland. Mr. O'Driscoll was obnoxious to the Repealers because he was opposed to Repeal, and he had also made himself obnoxious with respect to the Arms Bill, knowing what description of persons many of the Repealers were. But, at all events, the account of those proceedings which had been so much spoken of was copied from a Cork paper, the reporter of which made it up perhaps partly out of his own head and partly out of the facts of the case. The charge in reality against Mr. O'Driscoll was, that he was not a Repealer.

The Earl of *Mountcashel* knew Mr. O'Driscoll for a great number of years; that Gentleman had often visited at his House, and he was able to state from his personal knowledge that he stood very high in the opinion of the whole country. He had been a magistrate for a long time, and their Lordships were aware that magistrates in his condition were often obliged to do do things which tended to make them unpopular. Mr. O'Driscoll had been placed in that position and had found himself in the discharge of his magisterial duties opposed to a large number of those around him. He was a Roman Catholic gentleman, and being a Roman Catholic, he was also a Conservative, which caused him to be placed in the black list, and to be extremely unpopular. It ought to be recollected that Mr. O'Driscoll resided in a wild part of the country, where gentlemen were very scarce. [*Laughter.*] Yes, he repeated, where gentlemen were scarce, and it was desirable that in such a place men of independent character and property should be upon the list of magistrates. If there were not such men as Mr. O'Driscoll scattered through the country, he (the Earl of Mountcashel) did not know what might occur. They were very different from the low description of magistrates, of which so many were appointed during the late Administration. Mr. O'Driscoll might have been a little warm, but it was not always the man who was most easily excited that was the least worthy character; and he could assure their Lordships that this gentleman had earned the esteem of all who knew him. The real cause of this persecution against Mr. O'Driscoll was that which he stated himself in a letter, which would be found in page 11 of the papers relating to this subject, which were on their Lordships' Table. The Clause was, in his own words, "I am a Roman Catholic, professing Conservative principles." That would explain the reason of this persecution against Mr. O'Driscoll.

The *Lord Chancellor* said, he felt it his duty to offer a few words in defence of his learned Friend, that most excellent Judge, whose administration of justice was approved of by all Ireland—one of the most learned and able Judges that ever sat on the Bench—one of the most upright, honourable, and independent men that ever held the office which he now holds—a Judge who has on all occasions been actuated by no other principle and motive than the desire to perform his duty. In his (the Lord Chancellor's) opinion an attack had been made which, in severity and extent, was not warranted by the circumstances; and he believed in his conscience that it arose from nothing but what had been alluded to by two noble Lords who had last addressed the House, and who were well acquainted with the condition and the state of politics in Ireland—namely, the union in the person of Mr. O'Driscoll of what was considered by some as two opposite and inconsistent principles—namely, of being a Conservative Catholic and Anti-repealer. He attributed the attack more to that cause than to any other. What were the facts of the case?—He did not mean to justify Mr. O'Driscoll—but what were the grounds which had been adopted with respect to him. The first charge against him was a charge of committing a person to prison whom he had summoned to appear before him in his own case. He admitted the irregularity of that summons, but this man so summoned went with Mr. O'Driscoll voluntarily to the police barrack, where Mr. Galway, a neighbouring Magistrate, attended. He ought not to have summoned the man before him, but the man walked, not with a constable, but quietly with Mr. O'Driscoll to the police barrack, and Mr. Galway endeavoured to persuade him to admit the name of the party who had committed an offence, and it was because he refused to answer the question, which he was bound by law to answer, that he was committed to prison. The facts were greatly exaggerated.

The Marquess of *Clanricarde*: Why was he bound to answer the question.

The *Lord Chancellor*: It was a case of misdemeanour.

The Earl of *Wicklow* said, there was a particular statute in Ireland relating to poaching, under which he might be committed to prison if he refused to answer.

The Marquess of *Clanricarde*: The person against whom he was required to give evidence was not poaching.

The *Lord Chancellor* said, he did not allude to the subject of poaching; the offence was driving away cattle, which had been seized under distress. The man was asked a question in reference to that offence, and did any man say that if, in such a case, he refused to answer a question which he was legally bound to answer, he could not be committed to prison, he would be committed to prison, and he must say that there appeared to be gross exaggeration and extravagance in the statements. Then there was the assault. It was quite ludicrous. [*"Ironical Cheers."*] What authority had they for this statement about the assault?

The Marquess of *Clanricarde*: It appeared in the papers, which gave an account of the proceedings.

The *Lord Chancellor* said, that the Lord Chancellor of Ireland wrote for an account of the matter to the chairman of the tribunal before which the subject was brought, but it would appear that some noble Lords had not read that account. The Chairman said that it was by no means an aggravated assault.

The Earl of *Fortescue* said, that the Lord Chancellor had described it as a ludicrous assault.

The *Lord Chancellor* denied that it was an aggravated assault. He did not say ludicrous assault; but in reference to the extraordinary course which had been taken, he said that the exaggeration had been ludicrous. How was it proved by the documents? The Chairman's account which was sent to the Lord Chancellor, said, that it was not an aggravated assault. When they came to the affront—to the insult—he (the Lord Chancellor) admitted that it was very improper conduct on the part of Mr. O'Driscoll, according to the statement in the newspaper; but Mr. Jones in his account stated, that when the apology was made it was immediately accepted by the Magistrates, and the Chairman tore in pieces a written paper which he had in his hand (an account of the transaction), and threw it away as if he looked upon the matter as concluded by the apology. Did he (the Lord Chancellor) justify Mr. O'Driscoll in that conduct? Far from it. He thought his conduct highly improper, but he apologised for it, and the Lord Chancellor of Ireland stated to him that it was a grave offence of which he had been guilty. Fault had been found with the minute of the Lord Chancellor of Ireland, but no terms could be more apt and proper than those which he had used; and he would ask any noble Lord who had read it to say if the opinions in that minute could be better expressed. Mr. O'Driscoll had been a magistrate twenty or thirty years, during which time he had well discharged his duties; and what did the Lord Chancellor of Ireland do? The Lord Chancellor suspended him from the Commission of the Peace, he wrote to him that he ought in consequence of his conduct to be removed from the Commission of the Peace. He was dismissed, and he remained so for six months. What happened afterwards? The Lord Lieutenant of the county, who knew Mr. O'Driscoll well, and who was acquainted with all the particulars relating to this subject, attached his signature to a memorial requesting his restoration to the Commission of the Peace. This memorial was not only signed by the Lord Lieutenant of the county but by Magistrates and others of the greatest respectability, and of all parties of all political opinions. It was signed by upwards of 2,800 persons, by all respectable friends and neighbours of Mr. O'Driscoll who knew him and were acquainted with all the particulars. The Lord Chancellor of Ireland then restored the Commission of the Peace to this old Magistrate, who had for thirty years properly discharged the duties which belonged to the Commission. And this the more particularly, if he had reason to believe that the persecution against Mr. O'Driscoll was founded on the grounds he (the Lord Chancellor) had already stated, that being a Roman Catholic he had had the courage to be a Conservative and an Anti-Repealer.

The Earl of *Radnor* said the course of the debate had shown him that the subject was of more importance than he at first supposed it to be; and certainly his estimate of that importance was greatly enhanced by the speech of the noble and learned Lord on the Woolsack. The testimony which the noble and learned Lord had borne to the general manner in which the Lord Chancellor of Ireland discharged the functions of his high office was, he believed, from all he had heard, perfectly just, and thoroughly well merited. Yet it must be admitted by all dispassionate persons, that blame attached to that distinguished person for his restoration to the magistracy of Mr. O'Driscoll. It was stated by the noble and learned Lord, that the memorial in favour of Mr. O'Driscoll emanated from the Lord-lieutenant of the county, whereas that nobleman distinctly said he knew nothing of the memorial till it was put into his hands to be forwarded to the Government. It was quite clear that the Lord Chancellor of Ireland, after he had seen reason for dismissing Mr. O'Driscoll, on the ground of utter unfitness for his office, consented to reinstate him, not because he had revised his opinion of the individual's fitness, but because he yielded to the solicitations of the party with whom Mr. O'Driscoll was connected. He (Lord Radnor) quite differed from noble Lords opposite on the merits of the transactions in which Mr. O'Driscoll had figured. The noble Baron, for instance, was of opinion, that as Dineen was only a marksman, anything done to him was of comparatively slight importance.

Lord *Wharncliffe* had said nothing of the sort; what he stated of Dineen was, that he looked upon him as a person who had been made use of as the tool of other people for a particular purpose; but he had said nothing implying that because he was a poor man he was not entitled to equal justice with the greatest Duke in the land. All he said about his being a marksman was, simply that he was a marksman, and could not, therefore, write any such memorial to Government.

The Earl of *Radnor*: Well, then, and precisely because he could not write himself, was it necessary that, when injured, and seeking redress, he should get others to write for him, without subjecting himself to the charge of having been made a tool of by those whom he sought to aid him in this way. What alarmed him (Lord Radnor) most in this matter was, to hear the noble and learned Lord on the Woolsack say, that the proceedings in reference to Dineen were regular and legal.

The *Lord Chancellor* had said no such thing. The noble Earl really seemed disposed to misrepresent everybody.

The Marquess of *Clanricarde* rose to order. It was altogether out of the rules of the House for any noble Lord to impute to another noble Lord that he had misrepresented a statement.

The *Lord Chancellor* would admit that he should not have used the term misrepresented; he should have said misapprehended, and that in consequence of the noble Earl's misapprehending, he had, therefore, though not wilfully, misrepresented what he had said. Most assuredly, what he had said was, that the proceedings were irregular and illegal.

The Earl of *Radnor*: Yes, the issuing of the summons, but the subsequent proceedings were not spoken of by the noble and learned Lord as irregular or illegal. Again, the noble and learned Lord spoke of the assault upon Dempsey as ridiculous and contemptible, just as if the administration of justice ought not to be alike for rich and poor. Suppose that instead of Mr. O'Driscoll assaulting Dempsey, the latter had assaulted O'Driscoll, would this have been treated as a ridiculous and trumpery affair, not worthy the attention of justice?

The *Lord Chancellor* had not spoken of the assault as being ridiculous; what he had said was, that the nature of the assault had been ridiculously exaggerated.

The Earl of *Radnor* said, that at all events it was perfectly clear on the face of these papers, on the face of the minutes of the Lord Chancellor, that Mr. O'Driscoll was an entirely unfit man to be in the commission of the peace, and the Lord Chancellor had been, therefore, greatly to blame in reinstating him merely on the ground of a party application in his favour.

Lord *Wharncliffe* denied that the memorial in behalf of Mr. O'Driscoll was a party application, it was signed by persons of all parties.

The Marquess of *Clanricarde* asked, if the memorial was not a party one, why were those who advocated the case of Dineen to be charged with party motives?

Lord *Campbell* begged to repeat, in reference to what had fallen from the noble and learned Lord on the Woolsack, his conviction that Dineen was perfectly justified in refusing to answer Mr. O'Driscoll's questions, and that the committal of Dineen to Skibbereen Bridewell was wholly illegal.

The Marquess of *Normanby* said, that it was by no means an unusual thing, in getting up such memorials as that in favour of Mr. O'Driscoll, to get one or two names of persons of the opposite party, precisely for the purpose of giving the thing an air of impartiality.

Earl *Fortescue* briefly replied: his noble Friend having, on second thoughts, abandoned his opposition to the Motion, he should trouble the House with very few observations, but he must protest against the doctrine, that when a grievance had been inflicted on the public (which he maintained to have been the case in the reappointment of Mr. O'Driscoll), the Chancellor, was not amenable unless there were *primâ facie* grounds for attributing corrupt or improper motives. He had expected from the noble Earl, the Lord Lieutenant of the County of Cork, and from the other noble Earl, who spoke to the character of Mr. O'Driscoll, he expected to have heard from them some confirmation of Mr. O'Driscoll's assertion respecting his former dismissal, but not a word had been said by either of them on that subject. As the question had been put to him, he must say, that however numerously or respectably signed the memorial might have been, he should, as Lord Lieutenant, have thought it his duty to return a distinct and decided negative to the application for restoring Mr. O'Driscoll. He did not say that after years of good conduct he might not have been induced to reinstate him; but in the face of such an opinion as that expressed by the Lord Chancellor of Ireland, he certainly would not have thought it consistent with his duty to the country to have restored him within six months. Nothing had fallen from noble Lords opposite during this debate which at all altered his impression that Mr. O'Driscoll was a most improper person to exercise the functions of a magistrate; and he was happy to find that the conduct on which he founded that opinion, though excused by some, had found none to defend it.

The Motion was then agreed to.

THE CHARITABLE BEQUESTS (IRELAND) BILL.] Lord *Wharncliffe*, in moving that this Bill be re-committed, said he had delayed proceeding with it for some time that he might find out what objections were urged against it, in order, if possible, to remedy them. He was very glad he had done so, because he had been enabled to amend the Bill in several points, which he hoped would render it completely satisfactory, although God knew in the present state of feeling in Ireland, it was very difficult to say what would give satisfaction in that country. But this he would say, the Bill was such as he thought should be taken by Roman Catholics as an earnest of the desire of Her Majesty's Government to do everything they could consistently with their duty to support the Established Church, to place Roman Catholics and Protestants in all other respects on an equal footing.

First of all, he understood there was an objection to the word "minister," although he was surprised there should be, as that word in France was applied without disrespect to persons in Holy Orders generally. But the Roman Catholics, it seemed, considered it as a term applicable only to the pastors of Protestant Dissenting congregations, and therefore he had erased it altogether from the Bill. Then, as to the composition of the Board; the old Commission was composed of the Lord Chancellor, the Judge of the Prerogative Court, all the Judges, all the Bishops, and all the Ministers of all the Parishes in Dublin. That was, to say the least of it, a very clumsy body, and he was not surprised that the Roman Catholics had not much confidence in it. He proposed to leave out the Lord Chancellor from the Commission altogether, because it was the object of this Bill to enable the Commissioners to bring issues before the Lord Chancellor in order to enforce a right application of the funds. He would put in the Commission first of all the Master of the Rolls, then the Judge of the Prerogative Court; together with ten other persons, of whom five would be Protestants and five Roman Catholics. So much for the constitution of the Commission. But he meant to propose an entirely new Clause to remedy other objections that might be made. It might be said by Roman Catholics that the majority on this Board were Protestants, and yet they were expected to submit to a body so composed matters affecting the discipline and rites of their Church. He must say the bequests in Ireland for Roman Catholic purposes had increased immensely since the passing of the Emancipation Act; there were some enormously large funds in the hands of some individual bishops of that Church. There was one Roman Catholic bishop who had in trust, almost in his own power, one bequest of 55,000*l.*, and another of 35,000*l.* Since the beginning of this year there had been bequeathed altogether for charitable purposes in Ireland above 30,000*l.*, of which 6,523*l.* was for Protestant purposes, and 23,477*l.* for Roman Catholic uses. The proportion of bequests, then, for pious and charitable purposes connected with the Roman Catholic religion was in Ireland in a very enormous proportion greater than on the part of the Protestants; there would, therefore, be great injustice and impropriety in leaving to the decision of a Board, of which the majority were Protestants, matters affecting the discipline of the Roman Catholic Church in the first instance. He, therefore, proposed that when any question arose concerning the doctrine, discipline, or constitution of the United Church of England and Ireland, or of any body of Protestant Nonconformists, it should be submitted, in the first instance, to a Committee of five who should be Protestants on the Board; and when any question arose respecting the doctrine, discipline, or constitution of the Roman Catholic Church, it should be submitted to the five Roman Catholics on the Board, who would give a certificate of the facts relating to the case to the Committee at large, on which they would then act. This would be a material improvement in the Bill. He would also introduce a Clause compelling the Board to keep minutes of their proceedings, to enter them in a book, and make an annual report. The noble Earl then read the 11th Clause of the Bill as he proposed it should stand, which required that three months should elapse between the date of the deed and the death of the testator, in order to render it valid; but that provision applied only to real estate. Personalty might still be disposed of at the last moment. He had thought it right to set that three months against the English law of mortmain, which in fact required that a year should elapse. He earnestly hoped the amendments he had made in the Bill would give satisfaction. The greatest anxiety was felt by the Government that their Roman Catholic fellow-subjects should possess a fair and safe footing on which to rest their charitable trusts, to be executed according to the intentions of the founders and the law of the land. This was a fair and honourable tender, which he hoped would be accepted in that spirit in which it was offered.

The Marquess of *Normanby* sincerely presented his thanks to the noble Lord for every one of the alterations he had made in the Bill. From the fair and candid spirit which dictated those Amendments he felt confident the Bill would meet with general approbation.

Lord *Beaumont* said, that he rose for the purpose of thanking the noble Lord in the first place for the liberal Bill he had presented, and for the purpose of stating his regret in the second place—he might say, even his disgust—at the manner in which it had been received by those for whose benefit it was intended. He considered this measure to have been from its commencement to its final completion a most honest measure on the part of the Government, conceived in a spirit of true liberality, and carried out with sincerity of purpose, as well as with judgment, in respect to its details. Yet, monstrous as it might appear, this very Bill had been attacked by the Irish priesthood, and described as treacherous and atrocious, and "more oppressive than the penal Acts themselves." Yet what was this Bill, and what had the noble Lord done who presented it? He repealed the clumsy and unsatisfactory Bills which established the old Board of Trusts; and in their place set up a machinery, and constituted a Board, by which pious persons might secure their donations and bequests being applied to the objects they intended, and which could be called to account, did it divert them to any other purposes. In fact, the Board thus constituted, was an assailable body, obliged to keep a minute of its proceedings, and to make an annual return of its affairs; while the counter-proposition, the failure of which had caused the outcry against this Bill, was to create an irresponsible body, a corporation sole, who would have the control of the funds, without being obliged to account for their outlay. They would make no returns, keep no minutes—the donors would never know that the money was applied to the purposes they intended. On the other hand, the constitution of the Board, as proposed in the amended Bill of the noble Lord, was all that could be desired by Catholics; and yet he (Lord Beaumont) feared it would not satisfy the priests. The objection to the word "minister" was absurd, as the word was used as a title of respect by the French, in speaking of their priesthood. This objection, frivolous as it appeared, had, however, been made by the Irish priests; but the points on which they seemed to feel most, was the Clause requiring the deed to be executed three months prior to the demise of the testator. That Clause had been modified; and he (Lord Beaumont) regretted that it had been so, for he should have liked to have seen the same provision made in respect of personal, as had been made in respect of real property. He repeated what he had often endeavoured to inculcate, namely, that there was a Catholic laity as well as a Catholic priesthood; and that they were bound to legislate for the protection of the one as much as for the conciliation of the other. Their Lordships must also bear in mind, that the priesthood had the means of making their complaints heard, while the laity generally endured in silence. If the priesthood had a grievance, their voices were loud at public meetings, and letters such as that which had lately appeared in the papers, signed "John, Archbishop of Tuam," were certain to attract attention; but the hardships of those families whose property had been bequeathed to other purposes than the support of surviving relatives, were not likely to come under the public notice. He (Lord Beaumont) was therefore convinced that though they might draw down the abuse of such persons as the writer of the letter he had just alluded to, by extending the principle of the Statute of Mortmain to personal as well as real property in Ireland, they would by such a provision merit and receive the grateful approbation of the Catholic laity. In reference to this subject he might quote an instance which had been reported in that day's paper, of a large amount of personal and real property being left to a Roman Catholic clergyman and the failure of the attempt on the part of the family to recover it, although the will had been drawn up by a priest and signed by the testator within two hours of his death. Convinced as he (Lord Beaumont) was, that undue influence was occasionally exercised by the side of the death-bed and that considerable sums were bequeathed to the Church *in articulo mortis*, he could not help regretting that any alteration should have been made in the original draft in the Clause. There was one more Clause and only one more to which he thought it necessary to allude. He (Lord Beaumont) differed with his noble Friend in respect to the exclusion of the regular clergy from the advantages of this Bill. If a priest in regular orders performed the duties of the parish he ought to be equally intitled to remuneration as a secular priest, and so far from the seculars being superior to the regulars, he (Lord Beaumont) knew many places in England where Jesuits from Stonyhurst did the duties of parish priests and were well suited by their unobtrusive manners to the task. He (Lord Beaumont) did not therefore see the necessity of the distinction. This was the last detail he would allude to. The Amendments of his noble Friend were conceived in the same liberal spirit as the original Bill in its rude state, and he would therefore conclude as he had commenced, by thanking the noble Lord and hoping that certain parties in Ireland would change their tone and acknowledge, though tardily, their debt of gratitude for one of the most liberal and conciliatory Bills that had ever been proposed to the Legislature.

Lord *Camoys* said, that the Bill being an enabling Bill, leaving all parties to bequeath, as they may now do by law, he saw no necessity for naming the Roman Catholics in it, except as describing the constitution and duties of the Commission. In this view he was confirmed by the first improvement that was proposed, viz., to strike out from the title of the Bill the words alluding to them, and he, therefore, thought that it would be more consistent with its title if all further allusion to them were omitted. The adoption of this suggestion would merely have the effect of leaving the Roman Catholics to take the same advantage of the Bill that they could do if named in it, and would avoid an unnecessary distinction, because Protestants, who were not named, were to be benefited by its provisions equally with the Roman Catholics who were. If their Lordships would not accede to this proposition, he felt bound to object to the restrictions imposed in the 11th Clause, preventing bequests being vested in the Commissioners, if made within three months of the testator's death, not so much on the ground that such a restriction was uncalled for, as because it was imposed on Roman Catholics only, for if the principle is to be extended to Ireland, it ought to embrace Protestants also.

The Marquess of *Clanricarde* highly approved of the Amendments that had been made in the Bills.

The Earl of *Wicklow* begged to caution his noble Friend against the confusion that might arise from the terms "real and personal property." By real property, land was, of course meant; but in Ireland much of the land, almost all the Church lands, and many of the leases, were held to be personal property.

Lord *Monteagle* thanked the Government for introducing the Bill, thanked his noble Friend (the Marquess of Normanby) for having called their attention to the subject, and expressed his gratitude, on behalf of the Irish people, for the readiness with which the Government adopted the Amendments which he had suggested on a former occasion.

Amendments agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, July 16, 1844.

MINUTES.] BILLS. *Public.*—1°. Corporate Offices; Church Endowment.

2°. District Courts and Prisons.

Reported.—Trafalgar Square.

3°. and passed:—Soap Allowances.

Private.—1°. Ladbroke's Estate; Leeds Vicarage; Werrington, etc. Curacies.

PETITIONS PRESENTED. By Mr. Macaulay, from Society of Solicitors (Scotland), for Alteration of Common Law Process Bills.—By Mr. T. Duncombe, from W. Baddeley, against Damage by Fire Bill.—By Mr. M. O'Ferrall, from R. Fitzgerald, Esq., for Inquiry.—By Captain Pechell, from P. Stead, respecting Harbours.—By Mr. T. Duncombe, from Distillers, for Alteration of Metropolitan Buildings Bill.—By Mr. J. Heathcoat, from Solicitors of Tiverton, against Poor Law Amendment Bill.—By Mr. T. Duncombe, from Penshore, complaining of Opening Letters.

METROPOLITAN BUILDINGS.] The Earl of *Lincoln* moved the Order of the Day for going into Committee on the Metropolitan Buildings Bill.

Mr. *Hawes* objected to the Bill. There were extensive alterations, as it appeared by a paper laid on the Table that morning, upwards of 100, which Government proposed to make in the Bill, and it was impossible during the present Session to consider them fully. The same improper course had been adopted with regard to other measures; and if it was intended to proceed with the Bill, affecting as it did important interests, he should move the previous question.

The Earl of *Lincoln* considered the objection taken by the hon. Member one of the most unfair he had ever heard in that House, and it was more particularly unfair as a preliminary objection; as, with the exception of five or six, the whole of the Amendments were merely verbal. These Amendments had been printed, and circulated among hon. Members in order that the business in Committee might be facilitated. It was said that he was acting unfairly in asking them to go into Committee on the Bill; and yet, late last night, or rather early that morning, the hon. Member himself had stated that he had an immense number of Amendments to propose in the Bill, not one of which had been printed. He appealed to hon. Members whether that was not a most unusual course? It could not be denied that, by having his Amendments printed, he had afforded an accommodation to the House which the hon. Gentleman had not been gracious enough to afford. Having given the House all the facilities in his power with regard to the further proceeding with the Bill before it, he trusted that a due consideration would not be denied it. Under all the circumstances he should regret, even for the hon. Gentleman's own sake, that he should offer any serious obstruction to the progress of a measure which he had good reason to believe would be very acceptable out of doors.

Mr. *Hawes* maintained that many of the alterations proposed by Government were not merely verbal, but very substantial ones. He had general grounds of objection to state against the measure, and it was neither more nor less than a measure making war upon the whole trade of London; and the interference proposed was of so vexatious, minute, and intricate a nature, that, if its provisions were generally understood, the House would be inundated with petitions against it. To so much of it as proposed to improve the old Building Act, there could be no objection. But the Bill went much further than this. It even went to the oppressive extent of interfering with the poor man, in repairing and improving his little property. The House had a right to know the expences in the shape of fees and other official charges which the public would have to pay under its enactments. The amount of patronage would be extensive and mischievous. With respect to docks, warehouses, and large buildings in general, the public had already ample security for their strength, stability, and security against fire, as many of them were built under the regulations of Acts of Parliament, and nearly all under the superintendence of competent architects. If the Bill now before the House passed into law, every alteration made in any buildings, or institutions, including the British Museum, must be affected only under the direction of the Woods and Forests Surveyor. The progress of public works and improvements would be checked and impeded by such restrictions. If, for example, the Bill had been in force when the great railway works were in progress, they could not have been constructed without special permission from the Surveyor of Woods and Forests. It also interfered vexatiously with works of a smaller kind. By some of its provisions a man could not build a bridge over a stream on his own ground unless he obtained the consent of the Board of Woods and Forests. If he built it without such permission, every person who walked over the bridge would be liable to a penalty of 500*l.* A man would be subject to 500*l.* penalty for walking over his own bridge! The Bill proceeded on the absurd hypothesis that the whole body of architects in this country were utterly ignorant of their profession. The franchise, too, would be materially affected by it. In Schedule D, page 77, under the head of party walls, and divisions of buildings, it was directed that in any building divided into two, with separate staircases and entrances, a party wall must be built, and the two compartments be regarded and rated as separate buildings. This would have the effect of extinguishing a great number of 10*l.* votes. He (Mr. Hawes) felt sure that such an effect was not intended by the noble Lord. As the law now stood large buildings divided into separate tenements, as chambers or otherwise, were separately rated, and a vote allowed for each; but by the present Bill only one vote would be allowed, unless a separate staircase and entrance were made, and the tenements divided by a party wall. Though the Bill imposed large penalties it provided no appeal. In Clause 18 and 19, it was provided that any building not made in accordance with the Act should be deemed a nuisance, which the Commissioners of Woods and Forests would be empowered to abate by ordering it to be pulled down. And by these Clauses, not only was the builder to be punished by a fine, but every workman employed in the construction would be liable to a penalty of 50*l.* The measure would be particularly fruitful in procuring litigation. It ought, at all events, to be postponed to another Session, that the public might at least have time to ascertain and understand how their interests would be affected by it. He must persist in moving as an Amendment the previous question.

Mr. *Mackinnon*—Sir: having been a Member of the Committee on the Health of Towns, and taking great interest in the subject, and having given some attention to it, I beg to say a few words on the Bill now under the consideration of the House. As far as buildings in Towns were concerned, the attention of the Committee on

Public Health was particularly directed to three points which required to be amended by the Legislature. The first was the necessity of allowing a free ventilation of air by not permitting blind alleys or streets not open at both ends to be erected in future, and I trust this measure will be adopted in the present Bill, every street or alley to be erected in future ought to have a way through, not to be choked up at one end, to be what the French call a "*cul de sac*," it appeared before the Committee that great unhealthiness prevailed amongst the poor in those districts in the metropolis, and in all large towns where such blind alleys or streets were occupied by any class of persons. The next point was, that houses should be ventilated by not being so constructed as to stand back to back; that is, if the front of the house was towards the street or the entrance, the back part should be open towards a yard or some open space, so as to allow a free current of air to pass from the front to the rear of the house, which could not be the case if a house had no open space behind, but in place of it there was another house built up behind, so that by no possible means could any ventilation take place, as no current of air could go through the house. I beg leave to call the attention of the House and of the noble Lord to this mode of building, that it may in this Bill be corrected. The next point that was deemed of the utmost importance was the drainage of houses and streets, that no house should be constructed without a direct communication under ground, either with the main sewer or branch drain leading to such sewer, so that a drain should be formed for every dwelling. That no cess pool or dead well should be under any house or dwelling, or within a certain distance from it, so that no miasma or noisome evaporation or gas should arise from such dead well or cess pool injurious to the health of the inhabitants, which noisome gas has been deemed by medical men (after that arising from churchyards) the most injurious to public health. In stating this, I do not mean to say that this metropolis is not well drained, it is by far the best drained town in Europe, but although much has been done, yet much remains to be done to improve the present drainage of London. Now, in reference to the Bill before us, it does not appear to me that the noble Lord at the head of the Woods and Forests, has considered the several points which I have mentioned. I see a mass of legislative enactments to prevent chimnies from falling on the heads of Her Majesty's subjects, but who ever heard of chimnies falling by dozens on people's heads? Of what use can be this mass of legislation on very minor points and in detail, which ought not to come under legislative enactments. Under these circumstances, Sir, although I feel great repugnance in going against my noble Friend, and am fully aware of the anxiety he has to pass this measure, yet not thinking this Bill is that of my noble Friend, but that it emanates from some builders or architects, who are desirous of framing a job, and of extending the emoluments of their business, thinking it will prove injurious to the interests of the community by placing obstacles in the way of free building, and that no adequate benefit can result from it, I must, though unwillingly, oppose the further progress of the Bill.

The Earl of *Lincoln* never saw a more practical illustration of the phrase "extremes meet," than the opposition of the two hon. Gentlemen. The hon. Member for Lambeth made a sweeping attack upon the Bill, and said, it went too far; while his hon. Friend seemed to think that it did not go far enough. He begged to remind his hon. Friend that the recommendation of the Committee to which he had referred, formed the basis of the Bill introduced by the Marquess of Normanby in the other House. After being considered in two successive Sessions, these recommendations were found so objectionable that they were referred to a Select Committee. This Committee took the opinion of architects, practical builders, and other competent persons, and it was then found that scarcely a single Clause of Lord Normanby's Bill could be retained. He had endeavoured to make the Bill as little retrospective as possible. There was no prohibition to placing buildings back to back, and he believed these buildings might be so contrived as not to be injurious to the health of the inhabitants, neither did the Bill include many provisions with regard to drainage, as there was at present a Committee sitting on that subject, and the result of those labours would be a general Bill upon the subject in the next Session of Parliament. The hon. Member for Lambeth had called for the postponement of the Bill, but he (Lord

Lincoln) could not see the advantage of such a course, the subject having been already most maturely and fully considered. He had personally consulted persons who were interested in its provisions; he had listened to their suggestions, and firmly believed that the measure as now brought forward, would effect great improvements in the cleanliness and health of the metropolis. He really saw no possible reason for delay. The assurances he had received from metropolitan Representatives, and from other individuals capable of forming sound judgment, justified him in calling on the House to proceed at once into Committee. The hon. Member for Lambeth was strangely inconsistent; he attacked the details of the Bill, and at the same time refused to go into Committee to amend them. The hon. Member (Mr. Hawes) seemed to make quite a point of getting up some plea of objection and opposition to every measure brought forward by Government. He had always some charge of grave culpability to allege against them. He supposed it was the intention of the hon. Member at the end of the Session to indulge the House with a slashing attack on Government, on the ground of the small progress that may have been made in the public business of the country. And if the hon. Member did this, the House would do well to remember that most of the delay would have arisen from the course pursued by the hon. Member himself. The hon. Member had, very unfairly, designated the measure as a war upon the trade of the metropolis. But he contended that it was a useful and valuable measure, and that it interfered as little as possible with trade or with private interests. Great complaint was made by the hon. Member of the interference which he (Mr. Hawes) said the Bill purposed with public as well as private works and buildings, and the hon. Member had instanced the British Museum. Now, the hon. Member was singularly unfortunate in taking the British Museum for an illustration of the truth of his objections; for a request had been made by the trustees of that establishment to include it in the schedule of the Bill, and similar applications had been made with respect to Guildhall, and other great public buildings. Almost the only parties who objected were one or two of the Dock Companies, and these he had declined to exempt for reasons he would be prepared to state, if necessary, to the House. The hon. Member said, that many of the existing lines of railway could never have been completed, had this Bill been in operation at the time they were proceeding with it. But this he would tell the hon. Member, that had it fortunately been the case, they would probably never have heard of, for instance, the late lamentable accident at the Bricklayers' Arms station. He might easily prove the necessity of bringing places of public resort under the operation of the Act. The House and the public had not forgotten that not many years since, a theatre fell in, and a frightful loss of life ensued. He could assure the hon. Member with respect to the objection that the Bill would interfere with elective franchise, that no such intention had any part in the framing of the measure. He thought that no lawyer would say that it could have any effect to diminish the franchise. But to avoid all doubt on this point, he should be prepared in Committee to insert words that would probably remove the hon. Member's fears. He would now refer to the hon. Member's objection on the score of the amount of patronage which the measure would place in the hands of Government. Now, patronage was altogether a subject on which he might really say, the present Government was certainly not amenable to blame. It was, perhaps, quite possible for him to retort the charge on the hon. Member, and his (Mr. Hawes's) Friends. But this he was not inclined to do. The principal appointments to be made under the Bill, were the official referees, who must be architects, a registrar, and a clerk; and to call this an extensive addition to Government patronage, was really rather amusing than otherwise. Application had been made to him to increase to seven the number of referees, it being alleged that two could not possibly perform the duties. But he had steadily refused the application. In reference to the penalties and other details alluded to by the hon. Member, the consideration of these details would be more properly deferred till they went into Committee, and he should then be prepared to answer, and if possible to remove any objections that might be offered. The Bill was one of considerable public importance. It was not introduced till after consultation had been taken with many persons of judgment and authority on such subjects.

Several architects of eminence and authority Sir R. Smirke, Mr. Barry, Mr. Burton, Mr. Blore, and others, had been consulted. The Bill, he felt convinced, would be found materially conducive to the health, the cleanliness, and general improvement of the metropolis, and he trusted the House would now consent to go into Committee for the purpose of considering its details.

Mr. *Tuffnell* said, the measure was one of too great importance to be brought forward at that late period of the Session, and he thought the hon. Member for Lambeth was perfectly justified in opposing it. It affected every building in the metropolis, and was a most unwarrantable interference with the rights of property. No doubt the surveyors were in favour of the Bill, as it brought them a vast additional amount of business. He was somewhat suspicious as to the parties who were to be appointed official referees. There had been an alteration in the wording of the Clause relative to the qualification of these officers. [Lord *Lincoln*: It is a purely verbal alteration.] He thought it was a most suspicious alteration. The original words were, "an architect or surveyor," and the words substituted were "of the profession of an architect or surveyor." That looked as if a job was intended for some persons at present in the office who had formerly studied architecture. He believed under that Bill a person could not alter a door or window without sending for the Government surveyor. Under all the circumstances, he would recommend its withdrawal, in order that a good Bill, with a sewerage Bill, might be introduced next Session.

The House divided on the question that the question for the Speaker to leave the Chair be put:—Ayes 39; Noes 5; Majority 34.

List of the AYES.

Allix, J. P.
Antrobus, E.
Baillie, Col.
Baring, hon. W. B.
Boldero, H. G.
Broadley, H.
Bruges, W. H. L.
Burrell, Sir C. M.
Cripps, W.
Damer, hon. Col.
Darby, G.
Egerton, W. T.
Eliot, Lord
Estcourt, T. G. B.
Flower, Sir J.
Gardner, J. D.
Gaskell, J. Milnes
Graham, rt. hon. Sir J.
Greene, T.
Harris, hon. Capt.
Henniker, Lord
Herbert, hon. S.
Hinde, J. H.
Hodgson, R.
Hope, G. W.
Ingestre, Visct.
Jermyn, Earl
Lincoln, Earl of
Meynell, Capt.
Mundy, E. M.
Nicholl, rt. hn. J.
Northland, Visct.
Peel, J.
Rushbrooke, Col.
Sutton, hon. H. M.
Trench, Sir F. W.
Trollope, Sir J.
Yorke, H. R.
Young, J.

TELLERS.

Pringle, A.
Lennox, Lord A.

List of the NOES.

Bouverie, hon. E. P.
Bowring, Dr.
Buller, E.
Mackinnon, W A.
Ogle, S. C. H.

TELLERS.

Hawes, B.
Tuffnell, H.

House in Committee. Amendments made. The House resumed. Main question agreed to.

REVENUE INQUIRY.] The *Chancellor* of the *Exchequer* brought up the Report of the Commissioners of Revenue Inquiry, and said, that as there was a great deal of criminatory matter contained in the Evidence, he thought it would be better to have the Report printed, and to leave the evidence on the Table accessible to every Member of this House. He moved that the Report be printed.

Mr. *T. Duncombe* said, that he did not think it would be considered satisfactory unless the Evidence as well as the Report was printed. They could not judge of the character of the Report unless they had the Evidence also printed upon which that Report was founded. He would suggest that the whole should be printed, and that hon. Members should be made responsible for the circulation of it beyond the precincts of this House. He moved to add the words together with the Minutes of Evidence.

The *Chancellor* of the *Exchequer* said, that he thought every object would be gained by leaving the Evidence on the Table, to be accessible to all the Members of this House. He thought that this would be a much better course than to run the risk, by printing the Evidence, of giving unnecessary pain to certain individuals, who would, no doubt, feel aggrieved by the imputations which were cast upon them.

Motion and Amendment withdrawn. Report laid on the Table.

INSURRECTION IN DOMINICA.] Mr. *Hawes*, seeing the noble Lord the Secretary of the Colonies in his place, wished to ask him whether he had received any accounts from the Island of Dominica? He had been informed that martial law had been proclaimed in consequence of injudicious management on the part of the persons appointed to take the census of the population. One of his correspondents stated that more than 150 labourers had been arrested, tied together, and dragged to gaol, that three were killed, many more wounded, and in one case the head had been severed from the body, and raised on a high pole. Some of these disturbances arose in consequence of the authorities, who were taking the census of the island, not having taken proper precaution to inform the people of the nature and object of the census. They thought it had something to do with slavery. By a dispatch in 1839, Lord John Russell had exempted teachers in schools from serving in the militia. He wished to ask whether that dispatch remained in force, and whether under ordinary circumstances they were now liable to serve? Of course, on extraordinary occasions all who were capable of carrying arms ought to serve.

Lord *Stanley* said, that on the 3rd of last month, according to accounts which he had received, disturbances broke out in the island of Dominica, in consequence of the very absurd misapprehension which prevailed amongst the negro population that the census about to be taken in that colony was an attempt towards restoring slavery. He believed the revolt was principally headed by some refugees from French and other colonies, and by some newly-arrived Africans. It was almost immediately put down. Parties continued to commit some disturbances and outrages for four or five days. It was thought proper by the local authorities, to proclaim martial law. By the last accounts which he had received it appeared that the disturbances were completely at an end, and he had no doubt that, on the following day, martial law would be removed. In acknowledging the receipt of these dispatches he had noticed, with one exception, the general good conduct of the militia. He alluded to the placing a head upon a pole, and had expressed his regret at such an occurrence having taken place. He did not believe there was any ground for the general charge of cruelty; on the contrary the women and children who were taken were immediately released, and the trial of the others would be proceeded with, not before an extraordinary tribunal, but in the ordinary course of the law. He had no doubt that by this time peace was entirely restored. With respect to the alleged exemption of the teachers of certain schools from serving in the militia, he had inquired whether there existed any dispatch of Lord John Russell's such as that alluded to, and he found that that noble Lord had, in 1839, sent out a dispatch, expressing his hope that some provision would be made for the exemption of those teachers from serving in the militia in the island of Jamaica, but that the dispatch had never been intended for or applied to any of the other West India Colonies. At the same time he might state that he had not heard of the schoolmasters in question in Dominica expressing any unwillingness to serve in the militia.

Mr. *Hawes* referred to a letter apparently written by one of these gentlemen, who stated that on his arrival in the island in 1839, he was informed that the teachers of the schools in question would be exempted from militia service. If there was any misunderstanding in the matter, he hoped that it would be cleared up.

Subject at an end.

SLAVE TRADE.] Viscount *Palmerston*:*—Sir, In rising to move for the Returns connected with the Slave Trade, of which I have given notice, and to the production of which I presume that no objection will be offered, I wish to make some observations upon the Slave Trade itself; a subject of great interest and importance, not indeed new to this House, but which has now, for nearly half a century engaged the attention of the Parliament and people of this country. Almost all the men who, during that period of time, have been most eminent and distinguished in this country, whether on one side or on the other of this House, whether within or without these walls; have exerted the best energies of their minds to put an end to this abominable crime. And their labours have not been vain. They succeeded in rescuing this country from the foul stain of Slave Trade, and as a natural and necessary consequence soon followed the abolition of the condition of Slavery itself, throughout the dominions of the British Crown. These great results, however, were not accomplished without much labour, and a long lapse of time; the descent to evil is rapid and easy; the return to good is hard and slow; and if there are nations who are still imitating our downward course, and who have not yet resolved to follow our upward footsteps, we should look upon their errors with more indulgence than we might otherwise feel, when we remember what long and painful efforts it cost us, to wean ourselves from these detestable practices. But, on the other hand, if there be nations, and many there are, who have entered with us, by the stipulations of treaties, into engagements, having for their object the putting down of this crime, we should be making ourselves again partakers in this guilt, if we were to release any of those nations from the smallest particle of their engagements. Many years have now passed away since those investigations took place, which, by laying bare in all their hideous deformity the disgusting atrocities connected with the prosecution of the Slave Trade, brought round the minds of men in this country to resolve that England at least should cease to be polluted with this crime. Those details are now well nigh forgotten; and though most men have a general knowledge that Slave Trade is a cruel thing, and that it is barbarous to tear men by violence from their homes, their families, and their country; to transport them by force across the Atlantic; and to doom them to pass the remainder of their shortened lives in painful toil, under the lash of a foreign tyrant;—though these things are known and felt by all, yet few can form to themselves any adequate conception how intense is the degree, and how extensive the range, of the cruelties of which the Slave Trade is the cause. It is difficult to ascertain, with any approach to certainty, the number of negroes who are annually landed on the islands and continent of America, to be there consigned to slavery. The Returns for which I am about to move will furnish the best information that can be obtained on this subject; but that information can only be acquired through our consular agents, our Slave Trade Commissioners, and our naval officers. The governments of the countries in which those negroes are landed, publish no returns; but, on the contrary, endeavour to throw the veil of secrecy over such transactions. These Governments are those of Spain and Brazil, for it is to Cuba and to Brazil that these importations take place. But both Spain and Brazil are bound by treaties concluded with us, to prohibit all their subjects from engaging in, or being concerned with the Slave Trade in any manner whatsoever, and they have, in pursuance of those treaties, promulgated laws denouncing severe punishments upon such of their subjects as may have anything to do with the Trade. But these Governments notoriously set at nought their engagements, and systematically disregard them, while they permit their own laws to be daily and openly violated with impunity. They endeavour, therefore, to conceal the importations which they connive at, and the information which we obtain about them must be necessarily imperfect. One thing, therefore, is certain, that the Returns which we receive must fall short of the truth; they cannot exceed it. Now, what is the number of negroes supposed to be annually landed in America? Mr. Bandinell, of the Foreign Office, in his able and valuable work on the Slave Trade, compiled from official documents, and comprising, in a small compass, more useful and authentic information than almost any work that has yet been published, calculates the number at something between 120,000 and 130,000. Sir Fowell Buxton, in his most interesting work on the Slave Trade, states the number at 150,000; but whether the one or the other number be assumed to be correct, what an enormous amount of human misery and of human crime does this single statement involve. When we look at an abstract statement on paper, conveyed in arithmetical figures, the mind is scarcely able to embrace within its grasp all the details and the full extent of the facts of which the knowledge may be so communicated. But let any man consider for a moment what an enormous mass of people 150,000 men amount to, and what an extent of ground they would cover. Many men have seen large armies; but few have seen an army of 150,000 men assembled in one spot, and at once within the reach of the eye. But let any one imagine that he saw 150,000 human beings drawn up on a great plain, and that he was told as they marched past him that they were all travelling to the same doom; that this vast living mass of fellow-creatures was driven on to suffer painful and premature death, under every variety of bodily and mental torture. Let him further fancy himself told that this was not a single or an accidental calamity, but that every succeeding year the same ground would again be trodden by the same number of victims hurried forward to the same melancholy fate. What would be the just indignation that would burn within his bosom, and what would be the fervour with which he would call down the vengeance of Heaven, not only upon the authors of such enormities, but upon those who having the power to prevent such crimes, had culpably neglected to do so! But any man would be much deceived who should suppose that the number of negroes annually landed on the coast of America, could be taken as a full measure of the number of human victims annually sacrificed to the avarice and cruelty, I will not say of Christian men, for Christians they deserve not to be called, but of men belonging to Christian nations. It is calculated, and I believe not without good reason, that for every negro thus landed in America, two others have perished in the preceding stages of the slave-making process; so that we must multiply by three the number actually landed, to arrive at the total number annually swept away by the Slave Trade from the population of America. It is well known that the negroes are not in general collected from the immediate neighbourhood of the place where they are embarked. They come from the interior, and are marched down great distances to the coast. Some are captives taken in wars; in wars often waged for the express purpose of acquiring the gain to be made by the sale of prisoners. But the greatest number are obtained by the system of slave-hunting and man-stealing, which for the supply of the Slave Trade prevails all over the interior of Africa. The way in which that system is carried on, is this: when the time of year comes round for sending down the slave caravan to the coast; at the dead of night, some peaceful African village, whose unsuspecting inhabitants are buried in that repose, which nature has kindly bestowed upon man to fit him again for the useful occupations and for the innocent enjoyments of the succeeding day; at the dead of the night, some such African village is suddenly surrounded by the armed ruffians of some neighbouring chief. The huts of which the village consists are set on fire; the inhabitants, roused from their sleep by the flames by which they are enveloped, rush forth; see their assailants and endeavour to escape capture, some by flight, others by resistance; but all equally in vain. The fugitives are intercepted and caught. Those who resist are overpowered, and either slain or made prisoners. Sometimes a hill village is attacked; there the intricacies of the ground afford greater facilities for escape, and some make good their flight to neighbouring caverns, or to hiding-places on the summit. The caverns are besieged, fires are lighted at their mouths, and those who have sought shelter there, are forced to choose between suffocation within and captivity without. The wells and springs upon which the people depend for their supply of water, are occupied; and those who have found a temporary safety in the higher grounds, are compelled by the unendurable torments of thirst to come down, and barter their liberty for a few drops of water. Then comes the selection. The hale and healthy of either sex, and children above six or seven years old, are set apart for the slave caravan. The aged and the infirm, the infant torn from its mother's breast, the child wrenched from its parent's grasp, are murdered. To march these down to the coast would be impossible, and if possible, profitless; to maintain them would be costly; and to leave them to die of hunger when deprived of those by whose labour they had been supported, would be too cruel even for slave-hunters. They are, therefore, at once despatched, and they are the least to be pitied. Their sufferings are over, those of their surviving friends and relations are only about to begin. When a sufficient number have thus been selected, the caravan sets out. Men, women, children, half naked, barefooted; the weak urged on by the goad and the lash, the strong restrained from escape by yokes and chains, are driven hundreds and hundreds of miles across the burning sands of the plain, and over the stony passes of the mountain to the place of embarkation. Hunger, thirst, fatigue, despair, disease of body, and agony of mind, make dreadful havoc in the caravan. Some drop down dead as they go; others, unable to keep up, are left behind to die the lingering death of hunger and of thirst, or to become the prey of the wild beasts of the desert; others, more mercifully treated, when sinking under their fatigue, are knocked on the head and put out of their pain at once. Multitudes thus perish, and travellers who have visited the interior of the country tell you, that you may trace the march of these slave caravans across the pathless desert, and find your way to the wells that make their halting places, by the hundreds and thousands of human skeletons that lie bleaching and mouldering on the ground. At last the caravan reaches the place of embarkation, but it often happens that the slave ship is not arrived, and the negroes have to wait many days, and perhaps weeks, for its arrival. In the interval they are cooped up in crowded huts called barracoons, imperfectly clothed, fed, and medically cared for. The fatigue of the march begins to tell even upon those whose strength had held on to the end of it; diseases break out, and many deaths ensue. At length the slave ship arrives; the captain lands, and inspects the negroes. He picks out those whose apparent health and strength give promise that they will outlive the voyage, and be saleable at the market; the weak and sickly he rejects. Those whom he selects are embarked; those whom he rejects are either put out of the way at once, or left to perish on the coast by disease and want. It is reckoned that whatever may be the number of negroes thus embarked, at least an equal number have previously perished, in the seizure, the march, and the detention; and thus, if 500 are put on board the slave ship, 500 others have already been sacrificed in the preceding stages of the process. Then comes the voyage; and then begins a scene of suffering and of horrors, greater than anything that has gone before, and greater than any man who has not been an eye-witness, can either imagine, or attempt to describe. Whatever the size of the slave ship may be, whether great or small, whether fifty tons or five hundred, the slave captain takes on board a fourth or a third more negroes than the vessel can properly contain. Such is, and such always has been the practice. It is founded upon a dry arithmetical calculation. It is done on the same principle according to which a man who sends a pipe of wine from Madeira to England to go round by the East Indies, sends a quarter cask with it, in order that the waste by leakage and evaporation may be filled up, and that the pipe may still be full when it reaches its destination. The slave captain knows, that however careful he may be in choosing his negroes, some, who are apparently healthy, will yet have imbibed the seeds of diseases which will break out and prove fatal during the voyage; and that others who are quite sound when they embark, will yet, from change of food, of habits, and of temperature, sicken during the passage, and die before they reach the port. He, therefore, takes on board a number of supernumeraries, to fall into the vacancies to be created by these casualties, so that he may still have a full cargo on arriving at his market. But this very arrangement aggravates the evils, against the effects of which it is intended to provide. The crowded state of the vessel makes all the causes of disease act with infinitely greater force; sea-sickness, ophthalmia, fever, dysentery, small-pox, make ravages among the negroes, and hardly a day passes but that bodies are thrown overboard. But is it dead bodies only that are thrown overboard? I am sorry to say not. The living as well as the dead are often consigned to the bosom of the deep. Sometimes the progress of disease is rapid. The negro who is well to-day, sickens at night, and is a corpse to-morrow, and in such cases the course is plain. But it often happens that the disease is of a more lingering kind; and then the keen and experienced eye of the slave captain foresees in the early stage of the malady that the poor negro, though he may struggle on for a week or a fortnight, must inevitably die before the ship reaches the port, or if he should live till then, would be unsaleable in the market. But he also knows that during the remaining days of his suffering the negro will go on consuming provisions which are valuable, and money's worth; he will at all events lose the price he has paid for the negro and the cost of his subsistence up to that time; why should he needlessly increase that loss? He resolves not to do so; he determines to save his provisions; and overboard goes the living negro. This is by no means an uncommon occurrence; it was not uncommon, I am ashamed to say, even in ships of this country, before our slave-trade was abolished. There is on record the case of the ship Zong, commanded by a man of the name of Collingwood, which sailed for Jamaica in 1781, on board of which it was proved in a Court of Justice, that a transaction of this kind took place. The ship had a large cargo of negroes; she missed her course; her water ran short, and her negroes grew sickly. The captain reflected that the negroes who died would be a loss to the owners; but he thought that if he could make it appear, that a certain number were necessarily thrown overboard for the safety of the ship, their value might be recovered from the insurers; accordingly, he resolved to throw overboard those who were the most sickly, and the least likely to live to reach the port; and in three nights 132 of the negroes were thrown overboard alive. Many negroes are lost by shipwreck, and a remarkable instance of this kind happened in 1819. I have stated that the ophthalmia often breaks out in the slave ships. In 1819, this disorder raged on board the French slave ship, the Rodeur, bound with a cargo of negroes to Guadaloupe; the disease was so virulent, that only one man in the ship's company retained his eyesight sufficiently to be able to steer the ship. In this condition the Rodeur fell in with another large vessel, full of people, but apparently drifting at the mercy of the winds and waves. The vessels came within hail; the strange ship was St. Leon, a Spanish slaver, full of negroes; the people on board said that the ophthalmia had broken out also among them, and that there was not a single man on board who could see well enough to steer or work the ship. They begged for assistance, but none could be given them. The ships parted; the Rodeur reached Guadaloupe; the St. Leon was never heard of more. Sometimes calamities of a different kind occur. I have already stated how small and inconvenient the places are, in which the negroes on board these slave ships are confined. The bottom of the hold is filled with the casks, which contain the water and provisions for the people on board; over these casks is spread a platform, composed of rough unplaned boards, laid loosely together, and upon this rough and splintery surface the naked negroes are obliged to lie. Sometimes even this poor accommodation is denied them, and nothing but a few mats are spread over the uneven surface of the casks, and the negroes are to fit themselves to the inequalities of the surface as they can. The distance between this platform and the upper deck of the vessel, varies according to the size of the ship; it is scarcely ever more than three feet and a half, and sometimes it is barely two feet and a half. Into this black hole the negroes are thrust like so many bales of goods; linked two by two, with fetters, to prevent them from crushing each other by moving about; and so crowded together, that, as stated by a witness examined before a Committee of this House, in 1791, the negro in the hold of a slave ship has not as much room as a man has in his coffin. It may well be imagined how vitiated must be the air breathed by so many lungs; how intense must be the heat created by such an aggregation of living bodies in so small a space, under the vertical rays of a tropical sun; and how pestilential the effluvia occasioned by the circumstances of their confinement and condition. In order to mitigate these inconveniences, by admitting as much air as possible below, the hatch-ways of slave-ships are made larger than those of merchantmen, and are covered by open gratings, instead of with close hatches, and some have air-ports beside. In fine and even in moderate weather, these arrangements, to a certain degree, answer their purpose; but the slave-ships sometimes encounter a violent storm, the sea runs high and breaks over the vessel, and then the hatchways must be nearly closed, or the ship would fill and go down. Then ensues a scene of horror, of struggle, of agony, of death, which I will not attempt to describe. The results of such a calamity are related by the rev. Mr. Hill, in his pamphlet, called "Fifty Days in a Slaver." The captured slave-ship he was on board of, was overtaken by a storm; the hatchways were closed, and fifty-two negroes out of about four hundred died in one night, suffocated by want of air, or strangled in their struggle to get near to the small opening still left for the admission of air. Mr. Hill imagines that this was a singular instance, and that the misfortune arose from the inexperience of the prize crew, who were not accustomed to deal with such emergencies. But I fear he is mistaken. The loss of life was, indeed, greater, in consequence of the negroes having been released from their fetters, which would have prevented them from struggling so much with each other; but when slave-ships meet with storms, which not unfrequently happens, the hatchways must be partially closed up, and many negroes die by suffocation. It is calculated, that from all these causes, about a third of the negroes that are embarked die during the passage; and if this third of the 500 embarked be added to the 500 assumed to have died in the seizure, the march, and the detention, it will be seen that for every negro landed, two others will have perished in the previous stages of the slave-making process; and thus, if 130, or 150,000 negroes have been landed annually in America, the yearly ravage committed on the African nations must amount to something like 400,000; and if this has been going on for the last century, how many millions must during that period have been swept away from the population of Africa. Why I will venture to say, that if all the other crimes which the human race has committed, from the creation down to the present day, were added together in one vast aggregate, they would scarcely equal, I am sure they could not exceed, the amount of guilt which has been incurred by mankind, in connexion with this diabolical Slave Trade. And is it not, then, the duty of every government, and of every nation on whom Providence has bestowed the means of putting an end to this crime, to employ those means to the greatest possible extent? And if there is any government and any nation upon whom that duty is more especially incumbent, is not that government the government of England, and are we not that nation? Political influence and naval power are the two great instruments by which the Slave Trade may be abolished; our political influence, if properly exerted, is great, our naval power is pre-eminent. Much, certainly, has been done in this matter in former times; and the British nation may look back with just satisfaction at the perseverance with which the efforts of Great Britain on this subject have been made, and at the partial success with which those efforts have been attended. The late Government did its duty in this respect. When we came into office in 1830, we inherited the fruits of the labours of those who had gone before us. We found Slave Trade under the British flag entirely abolished; we found it prohibited by law under the flag of France, and the traffic to the French colonies nearly extinguished; but a most extensive use of the French flag was still made for carrying on the Slave Trade of other countries, and the French government had never consented to a treaty for that mutual right of search, which would have enabled our cruizers to put an end to that abuse of the flag of France. We found Spain, Portugal, and Brazil bound to us by treaty, to prevent their subjects from engaging in any way in the slave-trade; but Spain only, out of the three, had, by a law which was proclaimed in 1817, prohibited the traffic, and that law was openly violated. Portugal and Brazil had not even gone through the form of publishing any law against the traffic. We found treaties for the suppression of the Slave Trade, and for a mutual right of search for that purpose, in force with the Netherlands, with Sweden, and with Denmark; those treaties had been perfectly effectual, and no slave-trade was carried on under the flag of either of those three powers. A short time before we came into office, very important events had happened in France. A sovereign had ascended the throne, who owed his crown to the free choice of a free people, and the government was administered by men deeply embued with the spirit and principles of liberty; we thought that we might confidently appeal to such a sovereign and to such a government to co-operate with us in putting down this detestable slave-trade; and we did not appeal in vain. The French government of that day cheerfully and readily acceded to the proposals which we made them, and a treaty was concluded, by which the two countries gave to each other a mutual right of search, under specified restrictions, any merchant-vessels of either country, suspected of being engaged in the Slave Trade. That treaty was immediately successful, as far as regarded Slave Trade under the flag of France, and from that moment the French flag was rescued from the disgrace of being a cover for that crime. Let it not be imagined that this Treaty was not attended by a sacrifice of national feeling on both sides. Let it not be supposed, as some have endeavoured to represent, that the sacrifice was entirely on the side of France, and that France made on that occasion some concession to England. I respect national feeling, and the strong national feeling of the French is a very honourable part of their character; but I trust we have national feeling as well as they; and any man is greatly mistaken, who fancies that it was not quite as great a sacrifice on our part to permit our merchantmen to be searched by the ships of war of France, as it could possibly be on the part of the French, to allow their merchantmen to be searched by the ships of war of England; and I am certain that we never should have thought of consenting to render our merchantmen liable to be searched by the ships of war of any foreign power, except for the accomplishment of so great and generous an object as the suppression of the Slave Trade. But to the great honour of the two countries, they laid aside, on that occasion, all petty feelings of mutual jealousy, and joyfully concurred in the pursuit of a noble object, which both governments had equally at heart. In Spain, events had occurred of a character somewhat similar to those which had happened in France. Ferdinand died in 1833; and upon his death a change took place, in what for a century before had been the usual course of succession to the throne; and a contest arose between a princess, representing the principles of constitutional government on the one hand, and a prince identified with despotism on the other. The British Government, sympathising with a great nation in their efforts to obtain rational freedom, threw the weight of England into the scale of the Queen and the Constitution; and by the support thus given, they enabled the constitutional cause to triumph. We thought the Spanish Government owed us a debt of gratitude, which we might justly call upon them to pay. And how did we demand payment? Not by taking advantage of the weakness of Spain to extort from her any sordid or mercenary advantages for England, political or commercial; we demanded a better treaty for the suppression of the Slave Trade. We called upon those who were engaged in a glorious struggle for their own emancipation from political servitude, to join us in endeavouring to rescue the unoffending people of Africa from slavery infinitely more dreadful. My noble Friend, Lord Clarendon, then British Minister at Madrid, exerted on that occasion those talents and that zeal for which he is well known to be remarkable, and he succeeded in obtaining a treaty, which was concluded in 1835. That treaty gave us all the powers of search, which by treaty we could acquire for the suppression of that Slave Trade under the flag of Spain, which had been prohibited and rendered penal by the law proclaimed by the sovereign of Spain, in December 1817. This treaty was a great discouragement to the Slave Trade, and gave it an immediate check; and whereas, in 1835, 40,000 negroes had been imported into Cuba; the importation, in 1838, fell down to 28,000. The course of events in Portugal was similar to what was happening in Spain. In Portugal also there was a disputed succession; there also the contest lay between a queen and constitutional government on the one side, and an usurping uncle and despotism on the other. There, as in Spain, our influence was exerted on the side of liberty; and there, as in Spain, the party attached to liberty prevailed through our assistance. We made the same appeal as to Spain, but not with the same success. The slave-traders were stronger in Lisbon than they had been in Madrid. But perhaps it is fair to say, that if our negotiation for a Slave Trade treaty had been carried on in Cuba, instead of in Spain, we might have been as unsuccessful as we unfortunately were in Portugal. Having failed in all our endeavours, we came to Parliament and stated our case; we showed that by existing treaties Portugal was bound to do what we asked, and we proved that she refused compliance. Parliament saw that the case was good; and gave us by law those powers which Portugal had declined to give us by treaty. That was a great step towards the suppression of the Slave Trade, which became no longer safe under the Portuguese flag. Another thing tended much to discourage the slave-traders. These people establish their barracoons, or slave-dépôts, upon the territories of the native chiefs along the coast of Africa. Some disputes with the people belonging to some of these barracoons, had led some of our naval officers on the coast to land, and destroy some of these barracoons, leaving the goods contained in them to the native chiefs, and carrying off the negroes for emancipation to Sierra Leone. We sanctioned what had been done, and ordered it to be repeated under similar circumstances. Nothing ever struck more dismay into the slave-traders, and many of them were preparing to withdraw their capital from an employment which was becoming too dangerous, and to transfer it to some safer investment.

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* From a Pamphlet published by Hatchard.

By these various means we did effect, as far as can be judged of from official returns, a great diminution in the number of negroes annually landed in Cuba and Brazil. The number reported as having been landed in 1838, was, in Brazil, 94,000, and in Cuba, 28,000; making a total of 122,000. But the numbers so landed in 1840 were, in Brazil, 14,470, and in Cuba, 14,244, making in all 28,000, and being 83,286 less than the number which had been landed only two years before. Nor was this a single or an accidental diminution; for in respect to Brazil, it is stated by Mr. Bandinell, that the number imported into that empire, in 1838, was 94,000; that in 1839 the number fell to 56,000; and that in 1840 it was reduced to 14,244; while the number imported into Cuba, which in 1835 was 40,000, fell, in 1838, to 28,000; in 1839 to 25,000; in 1840 to 14,470; and by other accounts it seems to have further sunk, in 1841, to 11,857; and in 1842 to the comparatively trifling amount of 3,150. Thus it appears, that as far as the information in the possession of Parliament can be relied upon, the measures which we took did effect a great reduction in the number of slaves annually transported from Africa to Cuba and Brazil. But, besides all this, we laboured with great zeal, and with much success, in increasing the number of Christian Powers engaged in the general league against the Slave Trade. We obtained mutual Right of Search Treaties from almost every American state, except the United States of North America. We added Naples, Tuscany, and Sardinia to the European confederacy, and we intended to have gone farther. The Slave Trade treaty, which we concluded with France, in 1838, contained an article by which the two Powers engaged to invite all the other maritime states to accede to it; and, accordingly, England and France applied to Austria, Russia, and Prussia, Powers who had been parties to the declarations made against Slave Trade at the Congresses of Vienna in 1815, of Aix-la-Chapelle, in 1818 and of Verona in 1822, but who had not as yet actually concluded any treaty for the suppression of that trade. Not that the subjects of either of those three Powers were ever suspected of being engaged in Slave Trade; but the slave-traders of other nations, when deprived of the protection of other flags, might fraudulently find shelter under theirs. Those three Powers replied that they adhered entirely to the declarations which they had signed; that they approved of the treaty which had been concluded between England and France; and would willingly sign a treaty, word for word the same. But as a matter of diplomatic etiquette, they wished to be originally contracting parties to a new treaty, instead of being merely acceding parties to a treaty already concluded between two other powers. England and France cordially accepted their co-operation on the condition so specified, and we set to work to draw up a new treaty. But the British Government thought that this afforded them a proper opportunity for correcting an imperfection in the French treaty, which, though it did not diminish the efficiency of that treaty, for the purpose of putting down the Slave Trade under the French flag, would have in some degree rendered it less effectual in regard to the Slave Trade of other nations. The geographical limits within which the mutual Right of Search is to be exercised under the French treaty, are zones of sixty miles radius round the coasts of Cuba and Porto Rico; along the coast of Brazil; all round the coast of Madagascar, and along the western coast of Africa, from fifteen degrees north of the equator, to ten degrees south. These limits exclude a considerable portion of the western coast of Africa south of the equator, where the Slave Trade is carried on for the supply of Brazil; and they do not include any portion of the eastern coast of Africa, where the Slave Trade extensively prevails. We therefore proposed to the French Government, to adopt in the new treaty, which was to be signed by the Five Powers, the larger limits mentioned in the treaties with Spain and with the Netherlands, and which included the whole of the eastern and western coasts of Africa, and the whole of the West Indies and of the eastern coast of South America. The French Government consented, and I, on the part of Great Britain, in conjunction with the French plenipotentiary, proposed a treaty so drawn up, to Austria, Russia and Prussia. After a good deal of negotiation about matters of detail, this treaty had been substantially agreed to by al. the Five Powers, at the time when we were going out of office, and it might then have been signed within the number of days necessary for writing it out in proper form. On two trifling points exemptions were asked for by Prussia and Russia, in regard to their timber ships, and to the Russian vessels engaged in the North American trade. I should not have refused to yield, if necessary, on those points; and that done, there was no other difficulty in regard to that Treaty. Now, that Treaty was calculated to be productive of important advantage: first, as associating with the league against Slave Trade the three great Powers, Austria, Russia, and Prussia, whose flag might have been fraudulently assumed by slave traders, though their own subjects never had engaged in the trade; and, secondly, as forming the foundation of a great European league against Slave Trade. It was our intention, when that Treaty should have been concluded, (and indeed an article was inserted for the purpose,) to have invited all the other powers and states of Europe to accede to it; and when it had thus been converted into a general European League, we should have proposed to our allies, the powers and states whose feelings and opinions on Slave Trade would have been embodied in that Treaty, that confederated Europe should have presented itself to the United States Government, entreating it to accede also to the league which we had formed. I will not presume to affirm what would have been the result of such an entreaty, but I think it fair to assume that it must have produced some effect. When the Government and people of the United States saw all the powers of Europe banishing from their minds all jealousy of each other in the pursuit of a generous object; when they saw England, France, and Russia, the three great maritime Powers of Europe, giving each other freely and without suspicion a mutual Right of Search; when they saw Austria and Prussia, two great commercial Powers, but destitute of any navy of their own, permitting, without fear or hesitation, their ships of commerce to be searched by the ships of war of their great maritime neighbours; when they saw all the smaller states of Europe engaging without the slightest apprehension of abuse, to submit their flags to be searched for this great end; when we, the states of Europe, should have exhibited to the Americans such a spectacle of mutual confidence, and such an abandonment of selfish feelings for the attainment of a noble purpose, is it not fair to assume that the United States, who had themselves, in 1823, proposed to all Europe and to the rest of America a Treaty very nearly identical with ours, though they afterwards changed their mind, must have been induced to do something effectual to assist in suppressing the Slave Trade, and especially to prevent the yearly increasing abuse of their flag for the protection of slave traders. Such was the state of things when we went out of office in the first days of September, 1841. I am concerned to say that from that time to this, as far as my knowledge, and that of the public extends, these matters, instead of advancing, have gone rapidly backwards; and great strides have been made by the present Government, not towards the suppression of the Slave Trade, but towards its revival and encouragement. First of all there was that Treaty between the Five Powers which was on the point of being signed, and the signature of which we were given to understand was delayed by the French Government, only that it might be reserved as a compliment, for those who were about to succeed us in power. Now, if that Treaty had been signed within a fortnight, three weeks, or a month of the time when the present Government came into office, the two months allowed for the exchange of ratifications would have elapsed before the meeting of the French Chambers, those ratifications would have been exchanged as a matter of course, and the Treaty would now have been in full vigour. But great was my surprise when Parliament met, and when the Treaty was laid on the Table, to find that it had not been signed till the latter end of December, 1841, nearly, four months after the present Government came into power. I will not impute blame where I cannot show that blame is due; and this long delay may have arisen from causes beyond the control of the British Government; it is for them to show that it did; and hitherto no explanation on this point has been given. But the delay was peculiarly unfortunate in its consequences. The French Chambers met before the two months allowed for the exchange of the ratifications had elapsed; and General Cass, the American minister at Paris, foreseeing probably the embarrassment which that Treaty might eventually create for his own Government, and thinking, no doubt, that it was his duty to avert that embarrassment, set to work and put every engine in motion to prevent that Treaty from being ratified by France. Pamphlets were industriously circulated; the press was excited; debates were got up in the Chambers; national jealousy was roused; ancient enmities were revived; the war party was called into action; the slave traders of Nantes were brought into play, and an address was voted to the Crown. But what was that address? Was it an address praying the Crown not to ratify the Treaty? By no means. That address assumed that the Treaty was to be ratified, for it prayed the Crown that in the execution of that Treaty, due care might be taken of the honour and interest of France. But a Treaty cannot be executed until it is ratified; and therefore that address assumed that the ratifications of that Treaty would be exchanged. The French Government, however, thought that this address, and the debate by which it was preceded, justified them in refusing to ratify the Treaty. Now I will venture to say that this refusal of theirs was the most signal departure from a diplomatic engagement that has happened in Europe for a great number of years: It is an established principle of diplomatic intercourse, that a Government is bound to ratify the engagements contracted in its name by a duly accredited Plenipotentiary unless it can show that such Plenipotentiary has acted without instructions or against instructions; the formality of a ratification being expressly established to protect Governments from being entrapped into engagements which they had disapproved or had not authorised. In this case, however, neither of these reasons could be alleged. The Treaty had been signed by the French Ambassador in London, in pursuance of specific instructions to do so; and the French Government had itself been a consenting party to all the previous steps of the negociation. But they justified their refusal by quoting an analogous case stated to have then lately happened between the King of Prussia and the King of the Netherlands, in regard to a commercial Treaty relating to Luxembourg and the German Customs Union; and as to the ratification of which, the King of the Netherlands, in consequence of remonstrances from his Luxembourg subjects, had demurred. But the King of the Netherlands, upon further consideration, did ratify that Treaty, and that example, therefore, does not bear the French Government out. Now, I am far from saying that this refusal of the French Government to ratify their Treaty ought to have been a cause for estrangement or even for coldness between the two Governments. There were other and more pressing interests at stake, which required that the cordiality existing between the two Governments should not be interrupted by that event. But at the same time I do think that it was the duty of the British Government to record by some formal diplomatic note their protest against this entire departure from the established usage of diplomatic intercourse between European nations. But no such protest was made. We have it on the authority of a statement from the French minister himself in the Chambers, that the British Government made no complaint or remonstrance on the subject. I think, that looking at this transaction merely as a precedent for the future, I am entitled to say that the British Government did not do its duty when it abstained from placing such a protest upon record. The moment the French ratification of that Treaty was refused, of course there was an end of all idea of a European League; and accordingly, although the Treaty was ratified by Austria, Prussia, Russia, and England, the British Government has never yet thought of inviting Belgium, Hanover and Greece, to accede to it, although those States have flags which might be made use of by slave traders; and as to making any joint application to the United States of America, the refusal of France to ratify, put such a thing entirely out of the question. Surely this was a great step backwards. It may have been no fault of the Government, but only their misfortune; it is for them to show this; but there is no denying that this was a retrograde stride made during their management of public affairs. Then came a letter written by the noble Lord at the head of the Foreign Office to the Board of Admiralty, in May, 1842; and which by some means or other found its way to the public. It was a letter on the subject of those proceedings which we had sanctioned and encouraged on the coast of Africa against the slave barracoons. The letter really, and in fact, says little, but it appears to imply a great deal, and it produced a very injurious effect. The letter does not, indeed, distinctly affirm that the proceedings which we had authorised and directed, were against the law of nations, but any man who reads it loosely must believe that such was the impression which it was intended to convey. That letter did not, indeed, direct the Board of Admiralty to forbid our naval officers from continuing the proceedings which we had directed them to undertake, but it was well calculated to create a belief that such proceedings would not in future be allowed. The only thing that is positively stated in that letter is, that the Lords of the Admiralty are to forbid naval officers from applying in their despatches the term "blockade" to the operations carried on in Africa for the suppression of the Slave Trade; and that one and only thing which the noble Lord at the head of the Foreign Office positively forbids our naval officers from doing, has nevertheless been since done by the right hon. Baronet at the head of the Government, who announced to us in the beginning of the Session that he was going to establish a rigid and complete blockade for the suppression of the Slave Trade, along the whole of the coast of Africa. This letter produced a great sensation among the slave dealers. We had woried and harassed them, and fairly worn their hearts out by the measures which we had adopted. I heard from various sources of information that they were universally dejected, dispirited, and dismayed, and were withdrawing their capital from their old pursuits. That letter, written at such a crisis, must have greatly encouraged them, and must have made them believe that the present Government intended to leave them alone in peace and quiet, and not to imitate our meddling policy, by which the slave-traders had been so much annoyed. I look upon this as a great misfortune. Then again there came the Ashburton capitulation, by which we not only surrendered a great extent of territory which rightfully belonged to us, but gave up of our own accord all claim to demand from the American Government a faithful execution of that Article of the Treaty of Ghent, by which the United States bound themselves to use their best efforts in conjunction with us for the extinction of the Slave Trade. I do not mean to say that the next Administration would not be at liberty to repudiate that interpretation of the Washington Treaty; but towards the present Government, the United States would have a good answer to any demand for anything further in regard to the Slave Trade. Well, then, I may safely say that the present Government has at least been most unfortunate in their proceedings on these matters, and that things have happened under them which have tended to raise the drooping spirits of the slave-traders; and I much fear it will be found that the number of negroes imported into Cuba and Brazil, in 1843, has greatly exceeded the number imported in either of the two preceding years. The Returns which I am about to move for, will show how that matter stands. It is very likely that we may be told to-night, as we have been on former occasions, that Her Majesty's Government are most sincerely anxious to put this Slave Trade down, and intend to use every possible degree of activity for that purpose. I have an entire belief of their sincerity; but I wholly doubt their activity. I am sure they are sincere on this matter, because every Englishman must be so, but I put no trust whatever in their energy and exertions. They are going it seems, to blockade the whole coast of Africa; our cruisers are to be withdrawn from the West Indies and Brazil, and our whole force is to be concentrated on the African station. I have no doubt this may be thought a good plan by officers who have been employed on the coast of Africa: they have there seen the evil in its origin, and think chiefly of the means of preventing it there; it is quite natural that they should think, that the best thing that can be done, is to station the whole of our watching force on the coast of Africa. But I should like to know the opinion of officers who have served in the West Indies, and on the coast of Brazil; and if the right hon. Baronet can tell me that those officers concur in the expediency of transferring the whole of our force from thence to the coast of Africa, I could not well set up my opinion against that of such practical men. But, as at present informed, it does not appear to me to be folly to lose one chance out of two of intercepting the slave-ships. As to really blockading the whole extent of the coast of Africa with the force which the British Government, even united with that of France, can command, aye, even if assisted by the eighty guns which the United States have promised to send, such a notion is quite absurd. To talk, indeed, of effectually blockading such a vast range of coast as that which extends from the northernmost point on the west, where the Slave Trade begins, round to the northernmost point on the east, where that traffic ends, is to promise a physical impossibility. That which can be done is to increase the number of our cruisers, to give them smaller ranges of space to work upon, and thus to render their vigilance more effectual. But the difficulties they have to contend with are great, and some parts of the coast are so studded with islands, with good anchorage within them, that a cruiser running along the coast, may go within a mile of a slaver lying in one of these nooks, and taking slaves in, without being able to see her. In fact, the number of places where negroes may be embarked is so great, that to establish along the whole coast a blockade in the sense in which we are accustomed to speak of the naval blockade of sea-ports would be impossible; and if, in order to attempt this impossibility, all our cruisers are withdrawn from Brazil and from the West Indies, a slaver who could escape the watching squadron on the coast of Africa would have a fair run for it across the Atlantic, and would go in perfect security to the port of her destination. But have Her Majesty's Government considered the difficulty which will arise in regard to this arrangement from the narrowness of the geographical limits for the mutual Right of Search in the Treaty with France? These limits, in respect to the coast of Africa, are, that part of the western coast which lies between latitude fifteen degrees north, and latitude ten degrees south. But there are nearly fifteen degrees of latitude further south of the line on the western coast, and I know not what extent on the eastern coast, where the Slave Trade is much carried on, but where we have no mutual Right of Search with France. This does not much signify as long as we have cruisers in the West Indies and on the coast of Brazil; because if a French ship were to attempt to carry on the Slave Trade from these parts of the coast of Africa, she could not indeed be meddled with in the beginning of her voyage, but on her arrival on the coast of Brazil, or in the West Indies, where we can exercise the Right of Search, she would be in danger of falling in with our cruisers; and of being searched, detained, and delivered up for punishment to the tribunals of her own country. The fear of this deters French ships from engaging in this trade. But if our cruisers are withdrawn from the West Indies and Brazil, while, by the refusal of France to ratify the Treaty of 1841, there remains a large portion of the African coast to which the mutual Right of Search does not apply, it is highly probable that the greater part of the Slave Trade of Brazil will be carried on in French ships, and we shall be entirely unable to meddle with or to stop it. I think this point deserves the attention of Her Majesty's Government; and it will be no answer to me to say, that the parts of the African coast to which the mutual Right of Search, given by the French Treaty, does not extend, will be watched by French cruisers; because, with every respect for the naval service of France, knowing as I do, that there is not in the French nation the same feeling about Slave Trade which happily prevails in England, I cannot for this purpose place the same reliance on French cruisers that I should upon our own. I shall not now discuss again the notable project of the Government for putting down the Slave Trade by an adjustment of the duty on sugar; by prohibiting the importation of slave-grown sugar into this country, while we are to raise the price of that sugar in the market of the rest of the world, by taking a large quantity of free-labour sugar out of that market. That matter has been sufficiently discussed already, and if that scheme is to be our main dependence, I fear there is but a small prospect of any diminution of the Slave Trade. We have heard much of late about the cordial understanding and perfect agreement which subsist between the Governments of England and of France. No man can rejoice more than I shall ever do at seeing the best understanding, the most intimate friendship, and the closest alliance established between England and France. I know well that a real and sincere friendship between these two great Powers must, if properly applied, be productive of great advantage to them, and of infinite benefit to the rest of the world. But as yet, I am concerned to say, I do not think the fruit has been worthy of the tree. The only practical result which has hitherto arisen from this Union has been, that popular institutions in Spain have been for a time put down, and that a military despotism has there been erected upon the ruins of constitutional freedom. Now, I would have the union of England and France directed to nobler and more generous ends —I would have them unite to set free the slave, instead of combining to enslave the free. England and France, when united for a lawful and just purpose, have a power which is irresistible. Who are the offending parties in this matter? Spain and Brazil. Portugal is only an aider and abettor. She does not import slaves, she conveys them, and indeed the export of negroes is one of the chief branches of trade carried on from some of her African possessions. But Spain and Brazil are the principal offenders. These two Powers have contracted with us engagements in the most solemn form, of the most stringent character, binding them to prevent their subjects from carrying on directly or indirectly this infamous traffic: they have both of them promulgated severe laws against Slave Trade, in pursuance of those engagements, and we have a right to insist that those laws shall be carried into execution. Let England and France, if they are united, as I wish them to be, address themselves to Spain and to Brazil, and employ the whole weight of their united influence to obtain from those two Powers a true and complete fulfilment of the engagements which we are entitled to require them to keep. A blockade of the whole coast of Africa is a chimerical attempt, but if the Government are so bent on blockading, I could suggest a better application of that measure; and I will venture to say, that if they were only to try it for a short time upon the Havannah, and on Rio Janeiro, they would find it produce the most satisfactory results. But if England and France are really united, and choose to exert in unison that powerful influence which they can wield, it is impossible that they should not accomplish some great and immediate result. In the way of laws, Spain and Brazil have done almost all that can be necessary, if those laws were only put into effect. Ferdinand of Spain, in December, 1817, in pursuance of the Treaty which he had signed with this country in September of the same year, promulgated a law by which all his subjects, whether in Europe or America, were forbidden from going to the coast of Africa to buy slaves under pain of the following penalties:—That every negro so purchased should be taken from the purchaser, and should be declared free at the first Spanish port at which the vessel conveying such negroes might arrive; that the ship and her remaining cargo should be confiscated; and that the purchaser, the master, and some of the other parties on board, should be condemned to ten years imprisonment in some fortress in the Philippic islands; and this law is still n force. The Emperor Don Pedro, of Brazil, promulgated in November, 1831, a law very similar in effect, and Brazil is bound by treaty to treat and punish Slave Trade as piracy. If these laws were enforced, the Cuba and Brazil Slave Trade would soon be at an end. I do hope then that the union of England and France, of which we have heard so much, will be directed to the accomplishment of an object which will redound to the glory of all Christendom. The right hon. Baronet at the head of the Government stated on a former occasion that one of the great motives which led him and his Colleagues to undergo the toils, and vexations, and harassments of office, (and they who have been themselves in office know that burthen is not light,) was the desire and hope of obtaining thereby posthumous fame. I am sure the right hon. Baronet did not by that expression exclude from his view the desire and the hope also of that approval of a satisfied conscience, which is the certain reward for duties well performed; I am sure he did not mean to exclude that higher sanction, in comparison with which all human approbation sinks into utter insignificance; but the right hon. Baronet stated, that one of his objects, and a fair and honorable one it is, was the hope of acquiring fame in after ages. They, however, who are charged with the Government of a great nation, can obtain fame only by conferring some great benefits on their own country, or on the rest of mankind. Now the peculiar position in which the present Government stands renders it difficult for them to do the first. They cannot emancipate the commercial industry of the country, nor open to us that full career of prosperity on which we might be able to enter; they are prevented from doing that, by the prejudices of the great body of their supporters. They cannot lay the foundations of any large and liberal system of education for the great numbers who are every year rising up in the manufacturing districts in the darkest ignorance, intellectual, moral, and religious; they are prevented from doing that by prejudices which they themselves partake. They cannot give contentment to the six millions of Catholics who inhabit Ireland: they are prevented from doing that by obstacles which they themselves in former times have contributed to create. They cannot take a leading part in the settlement of any great European question, if any such should arise in their time, because, dissatisfied apparently with the front rank position in which they found the country when they took the helm, they thought it more consistent with the modesty of our national character that Great Britain, under their command, should drop quietly astern, and take up her berth in the wake of all the great Foreign Powers. But there is one field still open in which they may gather unfading laurels; they may abolish the Slave Trade. In their efforts to accomplish that great end they will be thwarted by no resentful supporters, by no disapproving opponents. They will have the country unanimously with them, and the will of this great nation, when unanimously expressed for a noble cause, is able to accomplish great results. If the present Government shall have to say that they succeeded, in their time, in extinguishing a foul traffic, for the suppression of which those who had gone before them had laboured for many years, and with only partial success, they will bequeath to posterity a name that will live in the grateful remembrance of the most distant ages. But if it shall justly be laid to their charge, that whereas the Slave Trade had been much checked, and nearly extinguished by the efforts of those who preceded them, it had in their time acquired fresh life, and had again reared aloft its hideous and gigantic head, they will indeed attain an everlasting fame, but it will be a fame in comparison with which the most perfect and entire oblivion would be deemed an enviable lot. The noble Viscount concluded by moving an Address for—

"Return, showing the total number of African Negroes landed for the purposes of Slavery on the Islands and on the Continent of America, from the year 1815 to the year 1843, both inclusive; distinguishing the number so landed in each of those years, and distinguishing also the number landed in each year on the territory of each separate State or Power, so far as the same can be made up from Documents in the possession of Her Majesty's Government, also, Cases adjudged under Slave Trade Treaties, and number of Slaves emancipated in consequence at Sierra Leone, Rio de Janeiro, Havannah, Surinam, and other places respectively, from the year 1829 to the year 1844."

Sir *R. Peel*: Sir, I could hardly have inferred from the modest terms in which the Notice of the noble Lord who has just sat down is worded, that it would have afforded him an opportunity for making the rhetorical display in which he has just indulged—a more harmless Motion than that which I read on the notices of this day I can hardly conceive. The noble Lord calls for, "A Return,! &c." [The right hon. Baronet read the Motion.] Why, really, Sir, a more innocuous Motion never yet was made in this House, and it reminds me of the course pursued by the noble Lord in former Sessions, when, after a period of comparative inactivity, he was wont to come down to this House not for the purpose of stimulating or inviting Ministers to activity, but in order to deliver a factious speech in making a Motion to which the most captious Minister could not raise the slightest objection. I recollect that at the early part of the Session the noble Lord exhibited some inclination to deliver the speech which the House has just heard. I give him credit for the extent and fidelity of his memory. Having, so long ago as the 11th of March, entertained this intention, the noble Lord has, notwithstanding the multitude and variety of public business that has intervened been the present time and that period, not only retained the recollection of his Motion, but also the very words in which it was put forward. The noble Lord had, at the date I have referred to, a Motion on the Paper, which was of importance. On the 11th of March, I find a Notice of Motion—

"That an humble Address to be presented to Her Majesty, representing that this House, sharing the deep abhorrence with which the people of this Country regard the Slave Trade, most earnestly beseech Her Majesty not to consent to any alteration or modification of any of the Treaties now in force between Her Majesty and Foreign States, for the suppression of the Slave Trade, which by weakening the means which those Treaties now afford for the prevention of that piratical offence, might tend to render more easy the perpetration of that detestable crime."

Now, the object which this Motion was framed to effect was, I admit, most important; it was nothing less than to ask the House of Commons to request Her Majesty to reject all proposals for the modification of the Treaty relative to the Slave Trade between this country and France. The noble Lord wished the House of Commons, by the expression of its opinion, to restrain the exercise of the Queen's Prerogative; but the noble Lord had met with very little sanction to such an attempt on the part of those who generally act with him. The noble Lord himself seemed to shrink from his own attempt. Week after week of the Session passed over and the noble Lord postponed his Motion as they passed, always promising to bring it forward, but as often shrinking from the fulfilment of his promise, as he observed amongst those around him symptoms of the disapprobation with which his course was viewed. The noble Lord persevered in renewing his Notice, till at length the noble Lord was fortunately relieved from his Notice by the House being counted out on the night when he was to have brought it forward, that very circumstance being sufficiently indicative of the opinion which his own immediate Friends and supporters entertained of the Motion. The noble Lord, I must confess, appeared to me to be greatly relieved when he was thus extricated from the dilemma in which he had placed himself; for, notwithstanding the perseverance with which he constantly renewed the Notice of his Motion, he had the good sense to abstain from bringing it forward at last. At the same time the noble Lord was unwilling to lose the speech which he had prepared for the occasion; and he has now, in my opinion, pursued a much wiser course by not provoking the opinion of the House in opposition to the Royal Prerogative, while we have reaped all the advantages which we should then have derived from listening to the noble Lord. I shall, in dealing with this question, separate all those parts of the noble Lord's speech in which he refers to the Slave Trade, from those parts of it in which he has indulged in reflections on Her Majesty's Government. It is most important that upon those points on which men of all parties cordially concur we should express that concurrence in a way that cannot be mistaken, and that we should not permit our party or political differences to affect the weight and authority which we may carry when there is a common concurrence upon such a question as that of the abolition of slavery and the Slave Trade. In all the first part of the speech of the noble Lord, I most cordially concur. I do believe that this is the most iniquitous traffic that was ever carried on; that it engenders more misery—that it stimulates more crime—than any public act ever committed by any nation, however regardless of the laws of God or man. I do not believe that the noble Lord has the slightest wish to exaggerate; but I think the noble Lord has perhaps rather over-rated the number of slaves landed upon the coast of America at the different periods to which he has referred. Possibly I may differ from him on the point that the number of slaves amounted to 150,000. Perhaps it might rather be estimated at 100,000. But, however that might be, if my estimate be more correct than that of the noble Lord, I still fully concur with him that the number landed is no test whatsoever of the misery inflicted upon the people of Africa by the continuance of the Slave Trade. I do not believe that the noble Lord overrates the number sacrificed in the attempt to gain property in the blood and sinews of these unfortunate men. In what light I ask must we exhibit ourselves to these savage nations—what must they conceive of the doctrines and precepts of that common religion which we profess, when Europeans descend to become parties in this iniquitous traffic. And that I consider to be one of the great evils attendant upon the Slave Trade, that it is an impediment to the diffusion and spread of Christianity, for surely savage people never can believe those men to be really impressed with the truths of the religion they profess, when they can be parties to the infliction of so much human misery as that which is the consequence of the perpetration of these crimes. I say too, with the noble Lord, and it ought to be known, that there are two countries and two only, which are now mainly responsible for the continuance of those crimes. There is on the part of every civilized country, with the exception of these two, a desire to cooperate in the suppression of the trade in man. If Spain and Brazil would zealously apply themselves to the suppression of the Slave Trade in those parts of the world within which they can exercise jurisdiction, my opinion is that the Slave Trade might be, and would be suppressed. France, Portugal, and also Denmark—to her honour be it spoken, she led the way; she set the example—the United States, this country, Russia, Prussia, Austria, every power is ready to co-operate in the suppression of the Slave Trade. But whilst these two countries oppose themselves to the abrogation of that traffic, no effectual progress can be made in abolishing it. The public guilt is upon their heads, who derive a profit from this trade, and who are therefore unwilling to suppress it. It can be shown that these two, Spain and Brazil, are the only countries which lend their sanction to the trade, and are the only two who derive a profit from it. They have the power of suppressing the trade, and without their assistance it will be almost impossible to suppress it. Whatever the exertions we may make, whatever the zeal and gallantry of our officers and men, whatever the sacrifices we may impose upon the people of this country for the accomplishment of the object, it is almost impossible for us, nearly unaided as we are in active exertions, to suppress the trade on the coasts of Brazil and Cuba. But we can do much, we have done much, though perfect success we cannot hope for without the co-operation of Spain and Brazil. Whatever may be the public burthens we are willing to incur, we are constantly counteracted and defeated by the connivance and evasions of the local authorities. It would be easy to show that Spain and Brazil might, if they chose, suppress the trade. Brazil made the effort in 1840 and 1841, and the effect was immediate during the period that the Government of Brazil and the authorities acting under the direction of that Government did actively interfere, and did discourage this traffic. During that period there was a great diminution in the number of slaves imported into Brazil. With respect to Cuba, the experience of the last two years proved conclusively that if an honest and active Governor were in earnest to set his face against the Slave Trade, he would, notwithstanding all the incitement to its encouragement which avarice and love of gain interpose, be successful in its ultimate abolition. I do think that the gallant officer who recently administered the affairs of Spain, I mean General Espartero deserves, together with the Government of which he was so distinguished a member, the utmost credit for the efforts which were made to carry the law against the Slave Trade into effect. He appointed an officer, who proved to be a most honourable man, to take the command of the Island of Cuba—General Valdez—who refused to participate in the gains which his predecessors had shared with the slave traders, and who also called all the planters and merchants before him, in order to acquaint them with the orders of his Government, and of his determination to discourage the continuance of that trade. General Valdez adhered most strictly to this determination as long as he administered the Government of Cuba, and the result, I am informed upon the highest authority, was most extraordinary and satisfactory. During the year 1842, when that officer was at Cuba, the importation of slaves did not exceed 3,100, it having been 14,000, in the first year that General Valdez was Governor of the Island. In the second year of his Government the number was reduced 8,000, and in the year 1842 it had fallen, as I before stated, to 3,100. I have thus shewn that when the Government of the Brazils in 1841 acted honestly and exerted itself to suppress the Slave Trade the effort was successful; and that when the same determination was manifested by the Spanish Government, an honest Governor acting on its instructions was able to suppress it most effectually in Cuba. These instances furnish in my opinion decisive proofs that without the authority of those Governments being interposed for the purpose of putting an end to this traffic success is totally impossible, and that with their concurrence the trade may be speedily and effectually put down. I, therefore, without hesitation, charge the Governments of Spain and of the Brazils with being the sole abettors and encouragers of this crime among all the Christian Powers of the world, and with being exclusively responsible for the sufferings it causes. I do most earnestly hope that the Governments and people of those two countries will, with that regard which is due to their professions of Christianity, feel the grievous respponsibility that now rests upon them: that they will consider themselves to be under the eyes of all Europe, and that they are now the only nations calling themselves Christians amongst whom this crime still prevails. But, if higher considerations will not sway them, and if by such motives as those which I have urged the people of Spain and the Brazils will not abstain from this inhuman traffic; if, I repeat, motives of gain are found to prevail over the dictates of justice and humanity amongst them; then let me warn those who persist in this course of the crimes which they are committing, and of the retribution which is certain to follow upon such offences against God and man. Let me remind them of the examples which have been recently afforded of slaves rising in insurrection, let me warn the Government of Spain of the condition of Cuba, where the tenure of power over slaves is more than precarious—where those unhappy beings have been known to declare that death even was preferable to the intolerable evils of slavery—where the application of torture to those who had rebelled had only elicited the confession that slavery itself was the state to which they were irrevocably opposed. The feelings which prompted them to rebel were not those of dissatisfaction at any particular law, or at being obliged to perform a certain amount of labour, or at having to move from one place to another, but the total denial on their part of the right of one man to hold another in slavery, a sentiment which it is stated is now spreading throughout a slave population that exceeds in number those who hold them in slavery. They are animated it is said, by a determination to emancipate themselves, and the most determined amongst them, and the most active are, those who have been most recently brought from Africa, and who, though entirely uneducated, and unable to form a general combination are smarting under the pangs which they had endured in being torn from their homes and their families. They have communicated the sentiments which I have described to their fellow-sufferers, a great impulse has been given to the negroe mind, and if higher and purer motives fail to influence the Governments of Spain or the Brazils, those of interest and policy must force themselves on consideration. What I am now stating is the truth and nothing but the truth, with respect to the state of the slave population in Cuba, and the feelings which I have described to exist there, are only repressed by the military, and by the extreme rigour of the law, which is enforced and sustained in a manner, which I shall not here stop to detail, but which only confirms my impression with respect to the future. I therefore, viewing all these circumstances, think it right to make this appeal, in the face of the British Parliament, to those two nations who are now alone responsible for the continuance of the traffic, and I make this appeal, but more on consideration of duty and of submission to the declared will of that Great Being, whom they in common with ourselves forget to worship, than on considerations of sound policy and enlightened self-interest. I trust I have said enough to show that public men in this country are not disunited when they approach this great question, but that on both sides of this House we are alike the organs of public opinion in England. That public opinion reacts upon other parts of the world, and being thus expressed, must add to the difficulty and danger that attend the prosecution of the traffic in slaves. I now approach the consideration of the very invidious contrast which the noble Lord has thought proper to draw between the conduct of the present Government and of the Cabinet of which he was a member. Whatever difference there may ultimately be proved to exist between the lines of conduct respectively pursued by us with regard to this important subject, there is none to be found in our principles; and, whatever may be the accusations against me of the noble Lord, I shall certainly not deny him the credit which is due to the efforts made by him to induce other countries to join this in making an attempt to suppress the Slave Trade. I am, however, fully prepared to defend the acts of Government in this respect also. The great ground upon which the noble Lord's strictures were based was, the conduct of the Government in regard to the last treaty entered into with France in 1841 for the suppression of the Slave Trade. In the year 1838, France concurred with this country as to the policy of inviting the other European states to unite in suppressing the Slave Trade, and of inducing them to join in a common league for this purpose. France was, at that time, willing to concede the Right of Search. No objection was offered by her on the score of national honour. We called upon France to make no sacrifice, in this respect, which we were not prepared as a nation to concede to a much greater extent. France must admit we had no motive in suppressing the Slave Trade except a sense of public duty, and that no country could suffer more, if considerations of national dignity were to interpose, on account of the extent of our marine, and consequently the greater frequency of the visits to which we must be subjected. France, therefore, did give, not a reluctant, but a cordial assent to the proposal to enter into a common league, and for the right of search. The noble Lord said the treaty was made ready for signature, and was signed on the part of the French Government by the representative of that Government having full authority; there was no allegation that that representative had exceeded his power; and certainly, under the ordinary rules which governed transactions of this description, we had a fair right to expect that a treaty so signed would have been ratified. So far as the King of the French and the Government of France were concerned, I believe every honest effort was made to fulfil that expectation. But certain feelings of national pride did oppose themselves to the ratification of that treaty, and for raising those feelings I hold the noble Lord responsible. Before the ratification of that treaty, that important event occurred which interrupted for a time the cordial and friendly relations between France and this country. I will not enter into the policy of the treaty of July, 1840—it is beside the present question; nor will I enter into the policy of the campaign in Syria. But engagements were entered into between this country and three others, to the exclusion of France, with respect to Syria. Whether that were a politic treaty, or whether it were not, I have merely to state the fact, that it was the sole cause of the representatives of France having placed obstacles in the way of Ratifying the Slave Trade Treaty, and I must here declare that those obstructions did not proceed from the Government or the Court there, but were *bonâ fide* the effect of popular sentiment, which the King of the French could not restrain or suppress. Can the noble Lord have forgotten the debate which took place in the French Chamber relative to this matter. Can he have forgotten the speech of M. Thiers on this subject? M. Thiers said,

> "He was not the Minister, either in 1838 or 1839, when this arrangement was first in contemplation. He was however informed by their Ambassador at London that the protocol was signed and everything arranged for the signature of reciprocal engagements relating to the Slave Trade. But (said he) I wrote to the Ambassador of France that I was about to examine this matter,—that I had a long time neglected and but little understood it; but, for myself, I had the greatest reluctance to sign a treaty with a Government which had so conducted itself as that Government had done with respect to the treaty of the 15th July."

In the same speech M. Thiers also added,

> "He was quite ready to admit that from 1831 to 1838 might have been notice sufficient to justify the concession then made; but he did not understand how, in 1841 and 1842, after the treaty of the 15th July, the enormous concessions contained in the treaty relative to the Right of Search would be justifiable."

That was the opinion of the Minister of France, speaking in the year 1842, respecting events which occurred during his Government. The language of M. Berryer and other heads of parties was of the same tenor. Then, I say, if we could not get a ratification of the Treaty signed in December, 1841, the noble Lord is the cause of its non-ratification. The Treaty of the 15th July, 1840, which interrupted our friendly relations with France, was the cause of that excitement in the public mind which, being represented and having its effect in the Chamber, prevented the Government from ratifying the Treaty. The noble Lord said he would not call upon us to go to war on account of the non-ratification of the Treaty. If the noble Lord admits that, I must say I doubt the policy of further remonstrance if we are not ready to follow it up with something more decisive. The noble Lord may pride himself on the Syrian campaign, and the Treaty of the 15th of July, but he is the last person who ought to taunt the present Government with difficulties which have arisen on account of the hostile feelings which the noble Lord's measure occasioned in France. Year after year in the Queen's Speeches the noble Lord took credit to himself, and congratulated the country on the maintenance of a good understanding with France. It is for the noble Lord therefore to state, and I have never yet heard it fully stated, what were the reasons which interrupted the understanding of which for many years the noble Lord was so justly proud. The next point which the noble Lord urged as a proof that we had not made those advances towards effectually suppressing the

Slave Trade, which he considers we were bound to do, is the fact of our not having taken the same view that he did with respect to the barracoons on the coast of Africa. The noble Lord described his proceedings very summarily, by stating that he gave the officers in command of the cruising vessels stationed there orders to seize the barracoons, carry off the negroes they found in them, and to destroy those receptacles without regard to the strict letter of the Law of Nations, or being too nice in that respect. No doubt we are a powerful country, and it is possible to land on the coast of Africa and destroy these places, but it is important for us to ascertain whether the Laws of Nations or Conventions justify such acts as these. They may be savage nations, and may make no demands on us, but there are European interests on the coasts of Africa; and if we choose to disregard the laws which govern the intercourse between nations, we may have to decide whether we will persevere in the acts we have committed, resolved to sanction or defend them at all hazards, or on complaint acknowledge that we are wrong and make compensation. The ordinary course in such points is to take the opinion of the legal authority who is the adviser of the Crown in civil matters. This very question was referred to the Queen's Advocate. He was told that we were most anxious to exercise every power we possessed for the purpose of destroying these barracoons; that it was said that no law gave us a right to do this; that if lives were lost, and we could be amenable to any tribunal, we should be chargeable as murderers; and he was asked whether the Law of Nations justified us in destroying these barracoons. His opinion was to this effect; "Unless you have a convention with the native African princes, you are not entitled to destroy the barracoons; this is not an act of piracy which the Law of Nations would take notice of, and if a murder be committed, you will be responsible for the Act." Under these circumstances, we did think it right to give information to our naval officers that if they did destroy these barracoons they would do it without sufficient legal authority, and we did advise them to abstain from it until they were justified in it by the circumstance mentioned by the Queen's Advocate, as it was the opinion of that authority that unless we had a treaty with the native princes, such an act was not justifiable. But, at the same time, we informed them, that "Wherever you can make such a treaty—with the free will and consent of the native princes—in that case the destruction of the barracoons is justifiable." Now I ask, under these circumstances, whether there is good grounds for the noble Lord's imputations on the Government? I say ours is the wiser course. The noble Lord might perhaps liberate here and there a thousand slaves, and alarm the slave-traders of Cuba by exercising powers beyond the law. But, in my opinion, it is better to exhibit ourselves to the native African princes as bound by the same rules with other Powers, and that whatever may be the extent of our power, we will not effect even good and laudable objects except in the spirit of law and justice. The next point to which the noble Lord referred, was a measure which he appeared to think was eminently absurd—and that was, the increase of the naval force on the coast of Africa, to prevent the departure of vessels laden with slaves. The noble Lord may be able to form a very competent opinion on that point, but, I can only say, that if he denounces this as an ineffectual measure, his opinion varies from the opinion of various distinguished naval officers, who have served on the coast of Africa, and who concur in representing to the Government, that the most effectual measure that can be adopted for the suppression of the Slave Trade, is to have a force stationed on the coast of Africa, whose efforts should be directed to prevent the departure of slave ships. That is the opinion of Captain Matson, who I believe is a most distinguished naval officer, and most competent to form a judgment upon this point. The noble Lord seemed to think it disqualified that gentleman that he had served on the coast of Africa; but I cannot conceive any better means of qualifying a man to form a good opinion on the subject than such a service. Captain Matson says the present arrangements on the coast of Africa are most inefficient. You appoint separate commands, he then explains, but the Slave Trade is carried on; that there is a constant communication over the whole coast of Africa between the confederates of the Slave Trade; that they just watch an opportunity when our vessels are at a particular part of the coast; that they convey their information by means of signals, and then carry on the Slave Trade: but, says Captain Matson,—

> "If a greater force than there now is were placed there under a superintending control, no notice given of the particular station to which they were allotted, but to occupy various positions, and to watch the whole coast, he would undertake to say that in two years you would do more to suppress the Slave Trade than if five times the same force were sent out to the coasts of Brazil and Cuba."

Captain Denman gives his opinion in the very same terms; he is an officer equally distinguished, having great experience on that coast, and he details the mode in which the Slave Trade is carried on, in which these wretched beings are brought to the coast for the purpose of being shipped to Cuba or Brazil, and he gives the same opinion as Captain Matson. Captain Tucker speaks in the same way. These three distinguished officers then, without any concert between them, but each giving their own spontaneous views of the policy to be adopted, come to the same conclusion, and say that it is in vain to have large vessels with masts that can be seen at a great distance, advise smaller vessels to be employed, and ask for permission to purchase the Portuguese vessels which were condemned there; that was the only mode in which they thought an effectual check could be put to the Slave Trade. Acting then upon that authority, and knowing how great the line of the coast is, we have felt it to be our duty to make this experiment, and in a rigorous manner; in order to suppress the Slave Trade. But this was not the opinion alone upon which the Government acted—we did not take it for granted that this opinion must be correct—the authority to which we referred this point was the honoured authority of my right hon. Friend, Sir George Cockburn, and who, I believe, having seen the statements of these naval officers, took time, as his habit is, to consider the subject, and not to give a precipitate opinion, and upon that opinion we came to the conclusion, not that we should inevitably suppress the Slave Trade, but that there would be a greater chance of doing it by an increase of ships on the coast of Africa than on the coast of Cuba or Brazil. I appeal then to the House, whether or no the imputations which the noble Lord has thrown upon the Government are not without foundation, and whether the unfavourable contrast which he has drawn between the acts of the present Government and their predecessors is not founded in error? I am not aware there is any other point which the noble Lord mentioned in connexion with the suppression of the Slave Trade, but at the same time I must observe that the noble Lord is wrong in supposing that it follows as a matter of course, that because we are to have a larger force on the coast of Africa, we must withdraw all precautions from the coasts of Cuba and Brazil. There is this great advantage in having a large force on the African coast,—that if you are acting on the coast of Brazil or Cuba, there is a constant demand upon you for the application of your power to other purposes—with every wish to make a great sacrifice to suppress the Slave Trade, yet upon those coasts some demands will be made connected with the protection of the lives and property of Her Majesty's subjects, to which you cannot but pay attention. There is a war between Buenos Ayres and Montevideo, the lives and property of Her Majesty's subjects are in danger. The force destined to take precautions against the Slave Trade in Brazil is suddenly required to leave the station to which it is appointed, and so far to interfere as to prevent any injury to Her Majesty's subjects. You may say they ought not to attend to these requisitions, but I am afraid that according to the ordinary course of affairs there would be a temporary withdrawal of any force you might station off Cuba or Brazil; and, therefore, you would have a greater chance of continued action in Africa from its local position than you could have from Brazil or Cuba. It does not follow that we should give up all precautionary measures in Cuba or Brazil; but I agree with the noble Lord, that if we entirely withdrew our force from these places and trusted altogether to precautionary measures in Africa, there would be a great fear of evasion, and that ships might be laden with slaves. I should, therefore, by no means advocate an immediate cessation of precautionary measures in Cuba or Brazil. But considering at what great cost and sacrifice this country has undertaken this duty of police, a feeling of honour, duty, and independence ought to induce Brazil and Spain to undertake for themselves their share of it, with a view to the positive prohibition of the Slave

Trade. The noble Lord referred in the course of his speech to the good understanding that exists between France and this country, and the noble Lord says, he is always glad that a good understanding should prevail; but he spoke in terms which seemed hardly calculated to improve or strengthen it. I also entertain the same opinion on that point, and I am sure that it cannot be forwarded by any compromise dishonourable to this country. But at the same time, if with regard to their mutual interests that good understanding between France and England can subsist, it is essential to the interests of civilization, of peace, and of the welfare of the whole civilized world. I believe that it is the earnest wish of the great body of the people of this country to maintain that good understanding so long as they can do so without any sacrifice of honour, or the essential interests of the country. I believe that that is the predominant feeling of this country, and although it may be subject to occasional taunts of making concessions here and concessions there, yet I believe that the feeling of this House and the country is to support the Government in the maintenance of that good understanding, subject to the conditions I before stated. But the House must be aware to what each of these two parties, the Government of France and that of England, is exposed in pursuing that steady, and I think honourable course. In this country we used to be taunted for concessions which we made to France—in France they were taunted for concessions which she made to England; and there are parties who seem to have their own peace of mind disturbed by any such good understanding, and desirous to do everything in their power to inflame and to taunt, forgetting the honour of their own country, and throwing every impediment they can in the way of that course which leads to an honourable peace and the preservation of mutual interests. Then, says the noble Lord, it is a great misfortune we did not unite for the purpose of inviting Brazil and Spain to abolish the Slave Trade. I give credit to France for desiring that abolition. I believe she had as sincere a desire for promoting the abolition of the Slave Trade as this country. I am quite sure that her interest is not opposed to that abolition. I believe the wishes of her enlightened Government are in favour of it, and were France united with us in inculcating on Spain and Brazil the necessity of their observing treaties, I assure the noble Lord that it would not be neglected by us. We have brought before the Spanish Government the conduct of the present governor of Cuba in dishonourable contrast with the conduct of General Valdez, and we have told the Governments of Spain and Brazil that we must insist on the fulfilment of the treaties we have made with those two countries, which imposed upon them a duty, not merely a moral duty, but a duty which they have contracted with us to perform, and for which we have given an equivalent, a duty imposed upon them, not by a moral consideration merely, but the obligation of a Treaty, to adopt such measures as would lead to the abolition of the Slave Trade. Then the noble Lord says he wishes we had combined with France to release the oppressed from their fetters, but not to enslave the free. Where can the noble Lord find any ground for that imputation that there was any combination between France and this country to enslave the free? Does he think it can be for the interest of France or of this country, governed as they are by free institutions, to see a despotic Government established in Spain? For my part, I wish that Spain may be governed by free institutions. I believe that such institutions under the superintendence of a limited monarchy is the best guarantee of peace of Spain with other countries, and of her restoration to that high position which she once occupied amongst the nations of the world; and France, I think, can have no other advantage with respect to those institutions than this country has. But does the noble Lord think it would have been right for us to have interfered actively for the maintenance of General Espartero in Spain? I hold the character and services of General Espartero in high respect. I think he was an honourable man—that he was doing his duty towards Spain, and being determined to obtain for it a constitutional government, he would not assume to himself powers at the time of a political crisis which the constitution forbad him to assume. Probably his forbearance and moderation, unsuited to Spain, may have led to the termination of his rule; but whatever our grateful acknowledgments to General Espartero may be for the friendly feelings he manifested to this country—whatever our respect for his forbearance and determination to govern according to the Constitution, and for his intention to place the power in the hands of the infant Sovereign when she was entitled to exercise it, and to abdicate for himself all the powers he held, with all these acknowledgments—if the noble Lord means to say that we should have actively interfered to maintain General Espartero in Spain,—that we should have actively interposed there, I totally differ from the noble Lord upon that point. I think that no country should resort to that kind of domestic intermeddling. I conceive then that the imputation thrown out by the noble Lord upon the Government, that they have combined with France to enslave the free, so far as it applies to Spain was as groundless as his other charges. We have always held the opinion that the people of Spain are the proper judges of the domestic government they will have, but that we will support the Government so long as we can by advice when called for, and they manifest a friendly disposition towards us, but I protest against the doctrine of the noble Lord, that it is the duty of England actively to interfere, for the purpose of dictating any form of Government to Spain. If I have mistaken what the noble Lord meant by the expression, which was very strong, of our combining with France to enslave the free, I am sorry for it; but that is the inference I draw from the observation of the noble Lord. I do not recollect that there was any other point referred to by the noble Lord which I have omitted to notice, except the noble Lord's peroration, which I think was the main object of the noble Lord in making his speech. I think the noble Lord admires it very much, because he would have hardly made such a trumpery Motion as this for Papers, which I assure the noble Lord I gave directions to be furnished as soon as I saw his Motion, were it not for that peroration. Perhaps the noble Lord would wish to add to the Papers an account of the condemnations at Sierra Leone and the other courts; for, seeing the noble Lord's motives, and concurring with him as to the horrors of the Slave Trade, I was considering in which way I could give effect to his Motion. But what ground has he for his accusations against the Government? I will go through them all. First, there is the French Treaty of 1831; secondly, the destruction of the Barracoons; and, thirdly, the increase of the force on the coast of Africa. I really think I have shown that the noble Lord has not one single ground for his accusations against the Government; but then the noble Lord had only that ground for the peroration of the speech he intended to have made in March. He had prepared it at that time, and had since been repeating it to himself, and did not wish to lose the opportunity of making it; and then the noble Lord took for the foundation of his peroration something which I said two years ago, that those who consented to make the sacrifice which office imposed, and who had to undergo the toils of it, looked not to the power which they exercised, or the pecuniary reward they might receive, but to the hope of establishing a claim to the gratitude of their country by their services; and the noble Lord then says that I did not mean merely that fame which rests upon human opinion, but that I must have had regard to those higher considerations which are connected with a sense of duty. I believe that permanent fame can only be acquired by performing the obligations of public duty. I think all that sort of fame which depends on temporary popularity is exceedingly evanescent. I believe the only way in which it can be gained is by pursuing that course to which the noble Lord referred, and regardless of temporary popularity. Therefore, when I said that I and other public men looked for a permanent reputation as a reward for public labour, I meant to imply that their labour should be conducive to the welfare of their country, and prompted by that high sense of duty to which the noble Lord alluded. But then, said the noble Lord, "You have cut off, by proceeding in your present path, many of the avenues to fame, for," he said, "as to increasing the commerce of the country, or to loosing commercial enterprise from the shackles that bound it, it was impossible for me to do it, on account of the parties with whom I am connected." But we have, at any rate, done a great deal more than the noble Lord, or than he ever contemplated until his expiring moments, when it was necessary to make a desperate effort to secure a reputation by becoming a free trader, and "releasing commerce from the shackles that bound it." But in 1841, when the noble Lord's Ministerial existence was in the greatest peril, it was hardly till then that we heard of these magnificent declarations of commercial liberty which the noble Lord tells me we cannot obtain. But I repeat it again, that we have done more without destroying any existing interests, though they were frightened at first—we have done more for the relaxation of commerce, and contributed more to the restoration of commercial prosperity, than any Government that has preceded us. Then the noble Lord says we cannot do justice to Ireland. He referred to the emancipation of the Roman Catholics from the civil disabilities under which they laboured, and says we cannot do them justice. The noble Lord should scarcely have addressed that to me, for without claiming credit for differing from the course I had previously taken, so far as the measure for removing those disabilities was concerned, and encountering the hazard of such a step, I think the noble Lord had no great right to taunt me with not doing justice to Ireland. The noble Lord then made reference to the Motion respecting the Irish Church last year. I recollect the speech of the noble Lord on that occasion, in which he stated distinctly that he was perfectly ready to maintain the Church as he found it. The noble Lord thought there would be no advantage from any such measure as that which the hon. Member for Sheffield proposed; and he made a very stout speech on the maintenance of the Church in its present state. I therefore cannot well understand the taunt of the noble Lord upon that subject. Then he says the opposition of the parties by whom I am surrounded prevented my suggesting any measure of education for the people. We made the attempt last year, and I cannot say we were defeated by any hon. Members on this side of the House. We made the attempt last year to establish a system of education on a great scale—there were obstacles in the way of the measure, but it was not opposed on this side. However, the attempt we did make, and, if it were so very limited, the greater the misfortune that it was so opposed. [Lord *Palmerston*: Our objection was to the principle.] Oh! the principle; but I do not wish to revive that debate. We proposed an extensive measure, it was opposed by the noble Lord and other Gentlemen on his side of the House; but it was not on account of any opposition from Gentlemen on this side that it was defeated. But the noble Lord said there were four great avenues leading to fame which were open to us. The first was the removal of the grievances under which the Roman Catholics laboured; the second was the Irish Church; the third was loosing the shackles that bound commercial enterprise; and the fourth was some plan of general education. But, said the noble Lord, all these avenues are closed to you,—but there is still an avenue open to permanent distinction—an effectual measure for the suppression of the Slave Trade. I assure the noble Lord that the Government are resolved, if that be the only avenue by which they can hope to acquire lasting reputation and permanent honour, that they will not neglect to enter it. They feel deeply impressed with the importance of the subject—not from any narrow, exclusive interests of this country—not from the absurd imputation that, having abolished slavery in our own dominions, we have some interest in the Slave Trade being carried on by other countries—not from those imputations which ignorant and unjust persons may throw upon this country,—for they have a right to refer to the efforts this country has made to abolish the Slave Trade in our own dominions, and to overlook all such imputations,—but our position as to the Slave Trade is peculiar. In any attempt we make to suppress the Slave Trade we must endeavour to suppress it by means recognized and sanctioned by the Law of Nations. We must not in a hasty and inconsiderate attempt to suppress the Slave Trade unduly and unjustly hazard the maintenance of amicable relations with other Powers. To injure those relations by any injustice on our part will only impede the attainment of the objects we have in view. We must keep ourselves in the right, and impress on others the necessity of observing moral engagements for the suppression of this trade; but with the reservation that we should proceed temperately and justly, that we should act upon the Law of Nations, and ask for nothing more than positive engagements give us a right to obtain, that we should observe the principles of justice towards the weak as well as the strong—with this reservation, I assure the noble Lord and the House that the Government are deeply impressed with both the duty and policy, from the highest considerations of the public welfare of suppressing the Slave Trade, and if that be the avenue to fame, it will be open to us so far as constant and persevering exertions can insure the means of securing it.

Sir *C. Napier* wished to ask what instructions had been given to British cruisers on the American coast, and whether if an English vessel saw a vessel hoisting the American flag, she would have any right to board her—not to search her, but to ascertain whether she was *bonâ fide* an American vessel? He regretted, as much as did the noble Lord, the failure of the treaty between this country and France; but he did not think it fair on the part of the right hon. Baronet to taunt his noble Friend with being the cause of that failure. France had carried on for a considerable time, in concert with this country, what he might term a "promenade" in the Levant; the most amicable feeling subsisted between the squadrons of the two countries; but France thought fit to refuse to ratify this treaty. He regretted that; but he did not think the right hon. Baronet (Sir R. Peel) was justified in attributing that failure to the noble Lord (Lord Palmerston). One would suppose, from the speech of the right hon. Baronet, that England had broken with France, whereas it was quite the contrary, France having broken with England. With respect to the prevention of the Slave Trade, he hoped the right hon. and gallant Member opposite would inform the House on the subject of the instructions given to the British cruizers.

Sir *R. Peel* trusted his right hon. Friend would not give the required explanation. We had received no particulars of the instructions furnished by the American Government to their cruisers, and he did not see the expediency of giving such an answer as was sought for by the hon. and gallant Member. The last accounts which had been received were of a satisfactory nature. Captain Foot's letter to the American commodore, offering his cordial co-operation to prevent slavery, had been met in a friendly spirit, and Her Majesty's Government had been assured that every hope existed of a continuance of the friendly understanding which at present existed with the cruisers of the United States. As he could not give the hon. and gallant Officer the particulars of the instructions, so he hoped his right hon. Friend who had been appealed to would follow this example.

Mr. *Borthwick* thought it was of the utmost importance that the plan of the noble Lord and the right hon. Baronet, since they appeared agreed on the same plan, should be immediately adopted against Spain and Brazils, which were the only two outstanding powers who did not join to put an end to the odious traffic. He was glad to see that the speech of the right hon. Baronet displayed equal firmness and caution, for it appeared to him that the want of due caution had been mainly the cause of the evils and impediments which had occurred. It had been said that Spain was under peculiar obligations to join this country and other Powers in putting an end to the Slave Trade; but the noble Lord had for the first time made an admission that it was the influence of this country brought to bear on one of two conflicting parties in Spain, which had led to the triumph of the Queen and liberty. He did not think, however, that either the noble Lord or the right hon. Baronet (Sir R. Peel) had any right to say that Don Carlos was more the representative of despotism than Queen Isabella. The one talked about the Inquisition: the other established it.

Captain *Pechell* said, the right hon. Baronet had, with his usual caution, prevented the First Naval Lord of the Admiralty giving a reply to the question of his hon. and gallant Friend. He was most anxious to have an explanation of this part of the question, of how the officers on service were to conduct themselves on this difficult question? He concurred in the plan for increasing the force on the coast of Africa, and he approved of the determination not to leave the coasts of Brazil and Cuba unwatched. He was very glad to find American vessels co-operating with ours, and he hoped this good feeling would continue. With respect to the exertions of the noble Lord (Lord Palmerston) to suppress slavery, he thought the thanks of the whole of civilised Europe were due to that noble Lord for putting down the detestable traffic.

Viscount *Palmerston* thought the right hon. Baronet at the beginning of his speech, did injustice to himself in complaining that the notice of the Motion did not afford him an opportunity of preparing himself for all the subjects adverted to in his speech; for every one who knew the resources and great powers of the right hon. Baronet must be aware that it was next to impossible to take him at a disadvantage on any matter connected with his public office, even though no previous notice was given to him. But the right hon. Baronet had also done him an injustice, for upwards of a week ago he had stated to the right hon. Baronet his intention, when the Motion came on, to discuss the whole question of the Slave Trade. He was very unwilling to let the Session go by without referring to this important subject; and he wished to bring it forward because he thought the present Government had not shown the same energy as their predecessors, and had not done so much to accomplish the extinction of slavery. In bringing forward the subject he should have felt greater pleasure in receiving a complete answer to any insinuations or accusations against the Government which he might have thrown out, than in gaining a party triumph. He assured the right hon. Baronet it would have been the source of far greater satisfaction to him to hear the Government vindicate themselves from the charge of supineness and want of energy, than to find that his charges were established. With regard to the topics which had been referred to, the right hon. Baronet had answered some satisfactorily, others not quite so in some respects. He alluded to the explanation in regard to the refusal of the French Government to ratify the Treaty after it was signed. He readily admitted it was not proper for this refusal to make any difference in the friendly relations between the two countries; but he did think it would have been proper to have put a friendly protestation on record to prevent the proceeding from being drawn into a precedent. The right hon. Baronet said he was responsible for the non-fulfilment of that Treaty. He could not consent to admit that this was correct. As to the relations between France and England, he would venture to assert there was no man living who attached greater importance to the maintenance of cordial relations between the two countries than himself, and for a great number of years the right hon. Baronet admitted that this cordial union did exist. The right hon. Baronet, however, had asserted, it was his fault that this cordiality ceased, and that it was owing to some act of his that the cordiality between the two countries was put an end to. He did not admit the accuracy of that assertion. What was the history of the negotiation? He would not go into the details of the Syrain negotiation, but it was well known that at the commencement of the negotiations between England and France, each country had the same objects in view. He would remind the House, that at the beginning the proposition of the French government was, with other powers, to sign a declaration to maintain the integrity of the Turkish empire. Would the right hon. Baronet venture to question the policy which led the late Government to the resolution to maintain the integrity of the Turkish empire? No one who sat on the other side of the House would say he disapproved of the policy which had for its object the maintenance of the Turkish empire, and the conservation of the peace of Europe. It was admitted in the French chamber that not England but France had abandoned her original policy. He did not say this by way of reproach; he alluded to it merely as a fact, that France was the power which had abandoned the course of policy on which she first embarked. He admitted that the change that afterwards took place did create irritation in the mind of the French nation. No one man regretted the circumstance at the time more than he did; but, because irritation arose, that was no reason why England should have desisted from the course of policy which she had entered upon. The change of policy did irritate the French nation to a certain extent, and this he was not disposed to deny; but this was not the reason why the Treaty was not ratified. Had the present Government signed the Treaty soon after they came into office, the Treaty would have been in force. It was this delay which caused the Treaty eventually not to be ratified. He had heard with pleasure the intention of Government to reinforce the squadron off the coast of Africa; and it was because he was under the impression that an intention existed of withdrawing the cruizers from the coast of Cuba and Brazil, that he made some observations in his opening speech. He quite agreed with the statement, that it was most important to guard the African coast, and to take the slave ships before they got the slaves on board, as by this means the horrors of the passage would be prevented. But what he also contended for was, that it would be unwise to withdraw the cruisers from the coasts of Cuba and Brazil; and he was now glad to find that with respect to this proceeding he had misconstrued the intentions of Government. As to the application of the force, there could be but one opinion on hearing the name of the distinguished officer. The right hon. Baronet had said that uncivilised tribes on the coast of Africa must observe the international laws which were consecrated by the usages of Europe; but in the course of the present Session, in a discussion on the affairs of India, when the matter treated of was the mode in which we were to conduct ourselves towards the Ameers of Scinde, the right hon. Baronet had said that the Laws of Nations applicable to Europe could not be applied in all their vigour to such half-civilised people as the people of Scinde. He was glad to find that he and the right hon. Baronet were not likely to differ as to the question of barracoons. It was useful that slave-traders should know that it was the intention of the Government to avail themselves of the power which the convention with the native chiefs gave, of rooting out those nests of pirates which infested that part of the African coast. He was exceedingly glad to hear a confirmation of the good effects of the distinguished administration of General Valdez in Cuba. If the Spanish governors were honestly disposed to do their duty, the task of the British Government in the suppression of the Slave Trade would be light indeed. He trusted that the course of friendly representation and strong remonstrance which the Government intended to pursue towards the governments of Spain and Brazil would produce the effect of awakening those governments to a sense of the obligations which they owed, not merely to us, but to themselves and to the faith of treaties. In allusion to what he had stated in his peroration, the right hon. Baronet had said, with regard to our commerce, that his Government had abolished more restrictions than their predecessors. Without disputing the arithmetical correctness of that statement, who was it that prevented them? He would say to the right hon. Baronet, "Is it not too bad, that persons who, when we were in office, prevented us from removing those restrictions, should now boast that the same majority which enabled them to tie our hands enabled them to pursue the course we wished to adopt." To be sure they were aided by unexpected assistance from other quarters which was not only necessary, but acceptable. He hoped, however, that the leaders of the Government would be encouraged by the success which had hitherto attended their efforts to carry out the views they professed; and that next year at this time, they would have greater reason to boast of their achievements. Then, with regard to the question of education, the right hon. Baronet had stated that the Government proposed a scheme of education which was defeated by an opposition not emanating from their own immediate supporters. He contended that that scheme of education was so clogged by restrictions that those persons, of all creeds, who wished for a large and enlightened system of education, were unable to give it their concurrence. That scheme of education did not meet the views of the liberal party, and they therefore felt it their duty to oppose it. But he repeated the assertion he had before made, that the prejudices existing amongst the Government themselves, prevented them from proposing a scheme of education on large and comprehensive principles; and it would be remembered, that the right hon. Home Secretary (Sir J. Graham) had distinctly said that he would not go one step further in the way of relaxation with regard to that measure. The right hon. Gentleman had also referred to his observations with respect to Ireland. He had stated that the Government was unable, in consequence of the obstacles they had themselves contributed to raise, to induce contentment amongst the Catholics of Ireland. The right hon. Baronet had reminded the House, that it was mainly owing to him that the Catholics received the great boon of Emancipation. No man could be more sensible of the merit of the right hon. Baronet in that respect than he was; he had always contended that there was a sacrifice, on his part, of private feeling and personal advantage to public duty, which did him the highest and greatest credit; but was it enough to emancipate a great body of men, if you did not practically give them access to those situations to which by law you rendered them eligible. The complaint he made against the Government was, that whatever might be their personal wishes and feelings, they were compelled, owing to the peculiar situation in which they stood, to exclude from all share in the Government 6,000,000 of the people. He had heard with the greatest pleasure, the concluding part of the right hon. Baronet's speech. He was glad that the Motion which he had made, be it too long or too short, had afforded the Government the means of stating those intentions, andfeelings, and opinions on the subject of the Slave Trade with which the right hon. Baronet had concluded. He hoped that all nations in the world would see that in England there were not two parties upon this subject—that, however people might differ on domestic questions,—that whatever might be their opinion on foreign questions on this question of the Slave Trade, they were united as one man —that let who would be in power, there would be no change of policy—that it was the fixed and settled determination of the British Government that this odious and detestable Slave Trade should be brought to an end. When that was well known—and the speech of the right hon. Baronet, which did him great honour, would have the effect of making it well known—when foreign Governments knew that such was the settled determination of every British Government, and that it would receive the unanimous support of the British Parliament and nation, the resistance which private interests, local prejudices, corrupt feelings of all kinds, had hitherto opposed to the entire suppression of this trade might at length give way; and he could assure the right hon. Baronet, that if his Government should have the merit and the glory of putting a crowning hand to this great work, and should be able to state that by their measure the Slave Trade was either extinguished or brought to an almost imperceptible degree of resistance, no party feelings or personal considerations would diminish the pleasure with which he should receive the announcement or his readiness to give every credit to the Government which made it.

Motion with Amendment agreed to.

TIDAL HARBOURS.] Mr. *Hume*, in bringing forward his Motion relative to the Harbours of the kingdom, said, he wished it had fallen into the hands of Government, who might have given it official importance. Many harbours, formerly capable of receiving ships of large dimensions, could now scarcely admit boats, and the evil was going on from day to day to an extent of which he had had no idea until his attention was directed to it. The right hon. Baronet had instituted an inquiry, which had led to the formation of harbours of refuge, where there were no natural harbours, and he trusted that that inquiry would be extended by a commission to Tidal Harbours. The law was not defective, because it had given a power to the Admiralty to prevent encroachments on Harbours; but by the practice of successive Administrations for the last two centuries, as far as he could get the records from some of the harbours, encroachments had been allowed till many of those harbours which formerly received ships of large dimensions were now entirely shut up. It was well known what was the state of the Cinque Ports in former days. In a decision about two years ago, one of the Judges speaking of the harbour of Rye, said, that it was impossible any time could bar the removal of embankments and impediments interfering with the navigation of this or any other port. In the reign of Charles II., a 64-gun ship could enter Rye, but latterly, until 1819, scarcely a boat could enter. It was the same with Newhaven and Southwold. In the latter case twenty-four clergymen were appointed Harbour Commissioners, and there was scarcely a harbour where proper Commissioners had been appointed. They were generally parties having local interests connected with the land, who enclosed the land over which the tide flowed, and thus prevented the scour of the river, and caused an accumulation of sand. In Southwold upwards of 3,000 acres were enclosed, and 30,000,000 of tons of water were excluded from the harbour. Similar effects had been produced at the harbour of Wells and Clay, in Norfolk, and at the mouth of the Exe. He believed that these evils arose from a desire, on the part of the Admiralty, not to interfere unnecessarily in these matters; they waited till complaints were made; but that ought not to be the conduct of a public body; they ought to have the supervision and care of every Tidal Harbour, and should not allow of any encroachments without an equivalent being given. His object was to point out to the Government the absolute necessity there existed, that they should awaken the Admiralty, and set them to work to prevent the encroachment going further. The hon. Gentleman then quoted from a Report made by Mr. Samuel Nicholson upon the River Medway, also Reports from Messrs. Rennie and Walker, in order to show that the inquiry was absolutely necessary. He would even go further, and inquire whether those encroachments which had been made, were made against the law, and, if so, he would take immediate steps to have them abated. Any one going down the Channel must see hundreds of vessels spreading all along the coasts. What would become of them in case of a war, if they were shut out of our rivers in consequence of these bars and encroachments of which he complained? Steam had changed every feature of war; and if they were unable to take shelter in our harbours and our rivers, every one of them would be picked up by the enemy. To maintain this proposition the hon. Member quoted largely from the evidence given by the Duke of Wellington before the Shipwreck Committee of 1843. The Prince de Joinville had had the sagacity to see what was the weak point on the English side in case of a war—he urged his countrymen to increase their steam navy, because, by doing so, in case of a war with England, they would be enabled to harass her commercial navy, and so weaken the confidence of the English people in their insular position as would greatly advance the interests of France. He did not think there could be any opposition to his Motion. If the evil was allowed to go on, and if the encroachments were still permitted, our harbours would be lost in the same manner as the Port of Sandwich had been, and then their loss could never be supplied. He had many other authorities, but he did not think it necessary to detain the House by referring to them: the Motion, at all events, ought to be unanimously agreed to, because the matter was important and the case urgent. No doubt something might be said upon the question of expense, but even that might be obviated in a great degree by very simple means. Instead of leaving it to private individuals to make complaint to the Admiralty, he would have our whole coast parcelled out and placed under the superintendence of public officers. He would have every creek surveyed and opened to as large boats as possible—he would have engineer officers appointed to a certain portion of the coast and it should be their duty to remove improper obstructions and encroachments in harbours and rivers, and prevent them in future. He was one who deeply deplored the encroachments and embankments which had been made in the Thames. He opposed the embankments for the new Houses. He knew that many thought by narrowing the stream they would deepen it, but in that they were in error; it was the great flow of water which operated for good. The Government must not allow any municipal officer to usurp their authority; if the Lord Mayor were the conservator of the Thames, the Admiralty must be the conservator of the Lord Mayor, so as to see that no injury should arise to the public from his carelessness. He considered his Motion of so much importance that he did not anticipate any opposition to it; he would, therefore, detain the House no longer, but move,

"An address to Her Majesty, that She will be graciously pleased to appoint a Commission, to inquire into the past and present condition of the several Tidal Harbours, Ports, and Creeks of the United Kingdom, with the view of ascertaining the state of navigation, and the depth of water of these Harbours, &c.; whether the depth of water was greater formerly than at the present time, and whether any and what extent of land over which the tide flowed at any former period has been enclosed; under what authority the several enclosures were made, the effects of such inclosures of land, and of the erection of Piers, Jetties, &c. In decreasing the depth, or in improving or injuring the navigation of the several Harbours, Creeks, &c.; to call for and examine all general Reports of Civil Engineers and Public Commissioners, relative to the construction, improvement, or preservation of the several Ports, Harbours, Creeks, and Navigable Waters of the United Kingdom which have been regulated by Act of Parliament since 1800, the operations under such Acts, and whether the result has been beneficial or injurious to the navigation of the said Ports:—Also, to inquire into the nature of the powers intrusted to the Board of Admiralty, under any Acts of Parliament, for protecting the navigation of the Ports and Harbours of the United Kingdom, and in what manner they have exercised those powers, and whether more extensive and more defined powers may be requisite to enable them to protect and to improve the Harbours of this Kingdom."

Captain *Plumridge*, in seconding the Motion, wished to ask the right hon. Baronet at the head of the Government, whether they might expect, before the rising of the House, any Report from the Commissioners on the Harbours of Refuge.

Sir *R. Peel* would answer the question of the gallant Captain first. He could assure him and the House that the Commissioners who had been appointed to report upon the proper places for harbours of refuge had, ever since their appointment, been diligently and assiduously applying themselves to the subject referred to them. He rather thought they would not make any Report before they had made a personal examination of all those places which came at all into competition as suitable for harbours of refuge. He believed the first Report might be expected soon after the 1st of August, but he would be very sorry to urge them to make a Report in any hurry, as it would be much more expedient that they should well weigh all the circumstances belonging to each place, rather than make an ill-digested Report. With respect to the Motion of the hon. Member for Montrose, he really thought the public were under deep obligations to the hon. Gentleman for paying so much attention to, and directing the attention of the public to, a question of so much national importance, he would willingly give his assent to the Motion, but he begged it to be understood that he did so assent in reference to the mercantile view of the question, and without any reference to the warlike consideration suggested by the hon. Gentleman. He would offer no objection to the proposed inquiry, but he might quarrel with the terms of the Motion. However, as he understood the hon. Gentleman, all he wanted was, that there should be, on the part of the Crown, a searching inquiry into the matters alluded to. He promised that that should be done, and, therefore, the terms in which the Motion was couched, were of little importance. It must, however, be understood that all he consented to was a preliminary inquiry. If ulterior measures were to be taken the Parliament must be consulted again. But he hoped that the hon. Member would not in his old age lead them into any extravagant expense, which in his younger days the hon. Member had deprecated. The hon. Gentlemen said, that on every part of the coast there must be harbours of refuge to protect the trade of this country in the contingency of war. Now, if we were likely to be attacked, and were to go to the extent of expense which this proposal of the hon. Gentleman would involve, he thought we should never diminish, but, on the contrary, materially increase, the present amount of the national debt. In some of the cases which the hon. Gentlemen had mentioned, he thought that natura causes, such as the retiring of the sea, and not individual encroachments, had operated to destroy the harbours. These natural causes it might be difficult to contend with by any engineering schemes. Sandwich and Richborough were probably ports in which the operation of such natural causes had been going on; but he was willing to have an inquiry, postponing, however, all further steps until he saw what was the result of the inquiry, and what the expense of any measures that might be recommended. One thing he thought was certain—that the Admiralty was not to blame in this matter; they had frequently endeavoured to get the control over the harbours, but had always been defeated in the other House. With respect to the Thames he quite agreed with the hon. Gentlemen, that Parliament ought to require that no encroachments be made on the Thames, to interfere with the navigation. He would add that he meant to have the commission composed of a few professional men, with limited remuneration, and he made this known in order that there might not be numerous applications for the appointments.

Sir *C. Napier* merely rose to advise the right hon. Baronet not to treat with too much contempt the Prince de Joinville's pamphlet. The right hon. Baronet might depend upon it, that in the event of a war steam would be found to have given France such a power as it would not do to despise. Steam had given an attacking enemy such power that you never knew from what quarter you might expect an attack. A great many harbours would be wanted to save our merchantmen from attacks, which might be made from any quarter.

Dr. *Bowring* said, that Tyre and Sidon had lost their harbours for want of looking after them; probably they might have been preserved if due means had been taken. In days like these, and in a country like this, nothing ought to be omitted to deliver to future ages the advantages we had derived from the past. France had lost various excellent harbours from neglect, and we ought to exert every nerve to prevent the same result.

Motion agreed to.

THE ECCLESIASTICAL COMMISSION.] Mr. *E. Denison* rose to move for an account in detail of sums received and expended by the Ecclesiastical Commissioners for England. A return had been made, on the Motion of the hon. Member for Montrose, but of so barren and jejune a nature that it was impossible to derive any information from it. At the same time, he found that the Ecclesiastical Commissioners for Ireland had made a Return containing all the information that any one could wish. The right hon. Baronet (Sir J. Graham) had since stated to him that he would no longer object to the ret rn of the particulars which he (Mr. E. Denison) wished to elicit; therefore it would not be necessary for him to lay any further grounds for his Motion; but, he must say, that he regretted some part of the course taken by the Commissioners, especially their determination to grant no renewals of leases for lives. They seemed to him in this to push to an extreme length the powers vested in them by Parliament, when they exercised them neither for enfranchisement nor renewal of leases, but, for the purpose of letting the leases run out, and taking possession of the land. This caused great hardship on individuals and large bodies of men. This mode of management was, he conceived, expressly opposed to the opinion of Parliament, as expressed by votes of the House of Commons and the Reports of Committees, and the Speeches of influential Members. When these Returns were presented, it was his intention to bring this subject before Parliament. The hon. Gentleman concluded by moving—

"That there be laid before this House, a Return of all Payments made by the Ecclesiastical Commissioners for England in each of the last six years:—

"1. Of the salary, fees, and emoluments, paid to any counsel or solicitor, with the name of each counsel or solicitor so paid:

"2. Of the salary, fees, travelling expenses, and emoluments paid to each architect, with the name of each, and the amount of per centage (if any) allowed to each:

"3. Of the salary, fees, and emoluments, paid to each agent or surveyor employed, with the name of each, and the amount paid to each:

"4. Of the payments made in each year, particularizing what Sees have been augmented, for what Episcopal Residences house rent has been paid, what Episcopal Residences has been provided, and the cost of each; what Reversions have been sold, and for what amount; and what Estates have been purchased, and for what amount, for any Episcopal See."

Mr. *Elphinstone* said, it would probably be in the recollection of the House, that in 1835 the Ecclesiastical Commissioners had proposed that the Bishops should have certain fixed incomes; the Archbishop of Canterbury was to have 15,000*l.* a year; the Archbishop of York and the Bishop of London 10,000*l.* each, and the Bishop of Durham 8,000*l.* and so on. An Act was passed accordingly, the intention of Parliament being that the Bishops should receive those particular incomes from the Ecclesiastical Commissioners; but in consequence of an error in the Act, when the sums came to be fixed by order in Council under it, the Privy Council reversed this, and fixed the sums which should be paid over annually by the Bishops to the Ecclesiastical Commissioners. The consequence was, that the Bishop of Durham in one year, if he was not misinformed, had put into his own pocket 30,000*l.* As the Motion as it now stood would not ascertain the actual amount received annually by each of the Bishops, he begged to move the addition of these words, "also the total income of each of the Archbishops and Bishops of England and Ireland for each year since 1837." There would be no difficulty in making the Return, because, in point of fact, the Bishops had delivered the accounts to the Commissioners.

Sir *J. Graham* said, the hon. Gentleman who made this Motion had referred in public to a private conversation he had with him (Sir J. Graham). For the public discussion of the subject of that conversation he (Sir J. Graham) was not prepared; the hon. Gentleman had done him the honour to speak with him on the subject; he stated to the hon. Gentleman the doubts he then felt as to acceding to the Motion, but he was not prepared to have this made public. He told the hon. Gentleman subsequently that the Government would not object to the returns; he found that the Ecclesiastical Commissioners for Ireland had made returns of the character of those the hon. Gentleman desired to be made by the English Commissioners, and he then stated that, upon the whole, he should consent to the Motion. In doing so, however, he must declare that he could not consider the funds placed under the management of the Ecclesiastical Commissioners were in any way under the control of Parliament; they were placed under the direction of a Commission, consisting principally of ecclesiastics, for the purposes of the Church, but not under the control of the State. He was sorry to see the hon. Gentleman was dissatisfied with the management of those funds by the Commissioners. The hon. Gentleman had signified his intention, when the Returns were produced, of calling the attention of the House to this subject; whenever the hon. Gentleman did so, he (Sir J. Graham) should be perfectly prepared on the part of the Commissioners to answer him, and to show that the principles adopted by the Commissioners in the management of Church property were equitable principles in themselves, and conducive to the interests of the body they represented. However, for those principles, be they what they might, the present Government were not responsible; they had been acted on since the commencement of the Commission; they were sound, in his opinion, and ought to be continued. With respect to the Motion of the hon. and learned Member (Mr. Elphinstone) he had not had time to consider it fully, but as at present advised he felt it his duty to resist it.

Mr. *Hume* thought the right hon. Baronet could not resist if he recollected the Act of Parliament, which enacted, that after the deaths of the then Bishops no Bishop should receive more than the appointed incomes; yet the House had just heard that one Bishop who ought to receive only 8,000*l.* a year had received 30,000*l.* a year. Parliament never meant that should be the case, but as the statement had been made (he did not know with what degree of foundation), there ought to be laid before the House means of ascertaining the real state of the case.

Mr. *V. Smith* said, that under the existing arrangement the surplus went to the Bishop after he had paid a certain sum to the Ecclesiastical Commissioners. He thought that there must be a mistake as to the sum that had been stated to be received by one Bishop in a single year; but supposing that he had received 30,000*l.* in one year, the income would not be near so much the next, when he might have perhaps not more than 2,000*l.*; therefore, to speak of the income as 30,000*l.* a year was inadmissible.

The *Chancellor of the Exchequer* was understood to say that the hon. Gentleman was mistaken as to the intention of Parliament. It had never been intended to give the Bishops salaries, or deprive them of the management of their estates, but only to regulate the sums they should pay over from time to time to the Commissioners.

Mr. *Gally Knight* said, that he did not rise to oppose the motion of his hon. Friend the Member for Malton; but as some slight censures had been put on the conduct, or the intentions, of the Ecclesiastical Commissioners, he begged leave to observe that it was the bounden duty of those Commissioners to make the most of the property entrusted to their care, in order to increase their means of promoting that most important of all objects, the further provision of spiritual instruction. Nor could it be pretended that the Commissioners had exceeded their powers. For himself he was not jealous of the Commission—he liked it all the better because it was of a mixed nature, composed of laymen as well as spiritual persons. He was not one of those who considered the Church to be nothing but the priest; he considered the Church equally to consist of priest and people, and the more the Laity and the Clergy were mixed and blended together, and the less they were kept distinct, the better it would be for both parties. He must repeat that the Commissioners had not exceeded their powers, because it could not be denied that the Church, like any other landlord, possesses, and has never ceased to exercise, the power of running out leases. On this point he spoke with the more confidence, because he was a Member of the Committee which was appointed by that House in 1838, to investigate the subject of Church Leases, and he would take leave to read to the House the opinion which that Committee had pronounced on this part of the subject:—"Largely, therefore, as your Committee must suppose this confidence of renewal to have extended, yet your Committee consider the tenant's right of renewal to be a claim upon custom, and the good will of the lessor, rather than any right capable of being enforced by law or equity." At the same time, looking to the general usage of renewal, the Committee were of opinion that, though the legal right could not be maintained, yet that the customary confidence of the lessees should not be entirely disregarded; and in the scheme for the Enfranchisement of Church Leasehold Property which that Committee had recommended, a consideration of the claim of the lessees was one of its component parts. The same favourable consideration of the lessees was also insisted upon by the present Lord Monteagle when, as Chancellor of the Exchequer, in 1837, he brought forward a plan on the same subject, though with a different object. If, then, this principle had been admitted and recognized on every occasion when a settlement between the Church and the lessees had been proposed, he should have thought that it would have been admitted and adopted on all similar occasions; and he confessed that he did not see how it could be consistent with justice that a certain number of lessees should be dealt with in a more rigorous manner than the rest,—that because a man happened to hold a lease under a suppressed stall, he was to fare worse than another man who holds leasehold property under a stall that is not suppressed. It was well known that the property belonging to the Church had always been let much below its real value. In this, though he held such property himself, he saw neither reason or justice. He could not desire that any lessees of Church property should continue to hold their land on the same easy terms as before,—but he did think that, in the case of suppressed stalls, the lessees should have the option of either continuing to hold the land at its real value, or of being permitted to enfranchise it altogether on reasonable terms. He hoped that, long before this, a general measure of Enfranchisement for all Church leasehold property would have been brought forward by the Government, on the plan recommended by the Committee of 1838. The present system of fines upon leases for lives or for terms of years was bad for the lessors, not the best for the lessees, and injurious to the estate. By an equitable plan of enfranchisement, a very considerable sum might be obtained for the Church, and at the same time the lessees would be placed in a better position. He wished to see the Church in possession of that sum as a fund for the building and endowment of new churches; and he should be glad if, in the case of lessees under suppressed stalls, the Ecclesiastical Commissioners would adopt a plan similar to that which was recommended by the Committee of 1838, for the enfranchisement of the whole leasehold property of the Church. What, after the fullest enquiry, was considered to be fair for the whole, must be fair for a part.

Sir *R. Peel* hoped, that no debate in this House would induce the Commissioners to take any other course than that which their sense of duty pointed out to them. He thought the Orders in Council were in themselves just, and that the discretion which the Commissioners had exercised was a wise discretion, and he hoped this House would not attempt to interfere. It was a very delicate matter. The great object was to promote the interest of the Church, the property of which appeared to him to have been greatly dilapidated by the system of granting leases. In some cases the existing interest was purchased, and in others the reversion was sold. In case of a sale the reversion the option of purchase had been given to the tenant. In many instances leases for lives had been converted into leases for years: but in all cases they had given the option of a lease for years to tenants who had a lease for lives. In his opinion, in the case of the suppressed canonries they were right in refusing a renewal of a lease for lives; he thought it was better to have a lease for years, reserving a fair rent. There might be particular cases in which it was right that the Church should get possession of its property. It might be so dilapidated or neglected, or the local position of the property might be such as to justify the Commissioners in departing from that which was the legal course. He trusted, therefore, that the House would leave the Commissioners to act according to circumstances, and that no debate here would induce the Commissioners to depart from what they considered to be their duty.

Mr. *Liddell* said, that as Member for a county where an immense amount of property would shortly fall under the control of the Commissioners, he must say, that he was not without considerable apprehension for the interests of his constituents. The Dean and Chapter of Durham, as the House well knew, held a large amount of property in that county, and as it had been determined that one-half of the Chapter should be suppressed, and at the death of each Prebendary the property belonging to his prebend placed under the Ecclesiastical Commissioners, when he was told that they refused to renew leases—that the renewal of leases for three lives, which had been held for many hundred years to be as secure as any other tenure of property, would be refused on any terms, he could not but feel alarmed at this—he had almost called it—usurpation of property which had been so long held sacred. He could assure the

House that great anxiety and apprehensions were entertained upon this subject. His constituents had a deep and specific interest in the matter, and he should not do his duty towards them if he were not to prepare them from his place in Parliament for the coming event. He had no doubt that the distinguished Members of the Ecclesiastical Commission would govern all their proceedings by a due regard to the principles of justice; but he hoped the House would also recollect that the rights of the lessees had been on a variety of occasions distinctly recognised. In the Southwark Improvement Bill, for example, the principle had been very plainly and very unequivocally laid down by the Attorney General, that the lessees had a beneficial interest, and could not with any show of justice be deprived of it.

Dr. *Bowring* observed, that the present was merely a Motion for statistical returns, and he trusted that there would be no objection to the addition which his hon. Friend had proposed. There could be no doubt that the income of the Bishop of Durham had in one year amounted to 30,000*l.*, and it was equally true that they ought to have the facts of the matter fully before them.

Mr. *Brotherton* had heard with great satisfaction the observations which fell from the right hon. Baronet at the head of the Government. It had been said that the Liberal Members of that House were intent upon the ruin of the Church; but he would tell them that the pretended friends of the Church were the great spoliators—it was the laity who held leases that had the deepest interest in the matter—the landed interest wanted to have the property of the Church. The principle of which he approved was that laid down by the right hon. Baronet at the head of the Government—namely, that it was for the public interest to make the most of the property of the Church.

Mr. *Liddell*, in explanation, said, that neither he nor any member of his family were holders of ecclesiastical leases—they did not hold a single acre of Church-land.

Mr. *Wawn* said, that some of the greatest spoliators belonged to the Church.

Mr. *E. Denison* said, he wished to say a few words before they proceeded to divide on the Amendment. He had had a conversation with the right hon. Secretary, when he inquired of him whether there would be any objection to the Return for which he then moved. The right hon. Secretary said he should consult his right hon. Friend at the head of the Government, and subsequently he said that he should not consent to the Return. Thereupon he (Mr. Denison) gave notice of the present Motion. If to state that occurrence were an improper use of a private conversation, he would ask how was it possible to hold communication with those who possessed the power to grant or withhold Returns of this nature? He would tell them why he made this Motion—it was because he desired that there should be frank and unreserved dealing with that House, and that no information should be kept from them. The right hon. Baronet himself had on a former occasion said, he had contended that though Church lessees possessed no legal right, they enjoyed an equitable right, founded upon long usage. But the principle which applied to those who held short and terminable leases did not apply when lands were transferred to those who had long and permanent interests. Those were the sentiments formerly expressed by the right hon. Baronet. It was well known, that the Commissioners had a long and permanent interest, and it was complained of now that they were taking the matter into their own hands.

The House divided on the question that the words proposed by Mr. Elphinston be added:—Ayes 27; Noes 55: Majority 28.

List of the Ayes.

Bouverie, hon. E. P.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Forster, M.
Gill, T.
Hallyburton, Lord G.
Hawes, B.
Hill, Lord M.
Lowther, hon. Col.
Martin, J.
Mitcalfe, H.
Morris, D.
O'Brien, J.
Ogle, S. C. H.
Pechell, Capt.
Plumridge, Capt.
Rawdon, Col.
Seymour, Lord
Smith, rt. hn. R. V.
Stock, Serj.
Talbot, C. R. M.
Thornely, T.
Tufnell, H.
Wakley, T.
Wawn, J. T.
Williams, W.

TELLERS.

Elphinstone, H.
Hume J.

List of the Noes.

Bailey, J.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Broadley, H.
Bruges, W. H. L.
Buckley, E.
Burrell, Sir C. M.
Burroughes, H. N.
Christopher, R. A.
Clayton, R. R.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Cole, hon. H. A.
Corry, rt. hn. H.
Cripps, W.
Denison, J. E.
Dickinson, F. H.
Dodd, G.
Douglas, Sir C. E.
Estcourt, T. G. B.

Flower, Sir J.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburne, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Heneage, G. W.
Herbert, hon. S.
Hodgson, R.
Hope, hon. G. W.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Liddell, hn. H. T.
Lincoln, Earl of
Lockhart, W.
Marsham, Visct.
Mundy, E. M.
Nicholl, rt. hn. J.
Palmer, G.
Peel, rt. hn. Sir R.
Peel, J.
Plumptre, J. P.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sutton, hon. H. M.
Thesiger, Sir F.
Thompson, Ald.

TELLERS.

Young, J.
Pringle, A.

Main question agreed to.

NAVAL OFFICERS.] Captain *Pechell* rose to bring forward the Motion of which he had given notice respecting the claims of the Naval Officers in the Lunatic Asylum at Haslar. He said that no doubt it was well known to every hon. Member that an asylum had existed for a great number of years at Hoxton, in which Lunatic Naval Officers were afforded shelter, and maintained at the public expense, the Vote for which had always formed a part of the Navy Estimates. It appeared, however, that without any Order of the House the Officers placed in Hoxton Asylum had been removed to that of Haslar. He was not aware that any person complained of the change so far as treatment was concerned, because he believed the treatment at that asylum was of the first kind and worthy the institutions of this country. But the complaint which he had to make was, that none of the relatives of those Officers had been made aware of the change, and that they had only gained a knowledge of it when they found that one-half of the half-pay which they formerly received at the Navy Pay Office was withheld. To those who know the small income of half-pay Officers, the deprivation of that income would appear a tremendous sacrifice. The practice which existed for eight or nine years was to deduct half of the half-pay for the expense of maintaining the Officer in the Asylum, but when the right hon. Baronet opposite agreed to lower the charge to a fixed sum it was proposed that the Government should pay back the arrears. The Board of Admiralty of those days communicated to one of the parties that such was their intention; but in nine days afterwards, on the 20th of June, 1832, they intimated, greatly to the consternation of the parties, that they were not disposed to consent to pay the arrears in consequence of the large amount of the sum which would be required. The hon. and gallant Officer opposite stated on a former occasion that he approved of the order issued by the Admiralty for cancelling the order for the payment of these arrears on account of the large expenditure which would be required. He had since then investigated the claims, and found that in number that they did not exceed forty, and that in amount they fell short of 3,000*l.* He was sure that the hon. and gallant Admiral, when he reflected on the misery which was caused by the withholding of this small sum, would reverse the decision which he had come to on a former occasion. The hon. and gallant Member then alluded to the case of Lieut. Forbes, who, he contended, had become insane in consequence of the severe hardships which he underwent when he served on board the *Vengeur*, at New Orleans. The hon. and gallant Admiral, in 1822, stated, in answer to Mr. Buxton, that he considered the Officer who lost his reason in the service of the country as much entitled to a pension as the Officer who lost a limb; and he hoped the right hon. Baronet would admit not only that Lieut. Forbes was entitled to his pension, but that the other Officers were entitled to their arrears. As the Admiralty had always met this Motion with a negative, he had no other resource but to press the matter on their consideration.

Sir *G. Cockburn* said, this case had been so often before the House, that it would only be necessary for him to allude to it very briefly. The placing of patients at the Haslar Hospital was perfectly voluntary on the part of their friends, and they could be removed at pleasure. This being the case, it was not reasonable to ask for a return of any portion of the sum paid for their maintenance, because the charge had been subsequently reduced, and particularly since the original sum was not sufficient to defray all the expenses. He had the greatest sympathy for Mrs. Forbes, whom he believed to be a most respectable lady. But after a most searching investigation into the case he could not find any ground for believing that Mr. Forbes acquired his malady in the service, or that it was his duty to assent to the Motion. He was therefore reluctantly compelled to oppose it.—Motion withdrawn.

House adjourned at a quarter to one o'clock.

HOUSE OF COMMONS,

Wednesday, July 17, 1844.

Minutes.] New Member Sworn. — For Birmingham, Richard Spooner, Esq.

Bills. *Public.*—1°. Clerk of the Crown in Chancery.

2°. Slaughtering Horses; Appeal in Criminal Cases; Lecturers and Parish Clerks; Criminal Justice (Middlesex); Loan Societies; Church Endowment.

Reported.—Field Gardens; Copyholds Enfranchisement; District Courts and Prisons; Party Processions (Ireland); Western Australia; Farm Buildings.

3°. and passed:—Trafalgar Square.

Private.—*Reported.*—Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate.

3°. and passed:—Gaspé Fishery and Coal Mining Company.

Petitions Presented. By Mr. Brotherton, from Liverpool Peace Society, against armed interference with the Slave Trade.—By Mr. Duncan, from Dundee, for Improvement of the Town.—By Mr. S. O'Brien, from St. Columb Major, for Alteration of Poor Law.

Poor Law.] House in Committee on the Poor Law Amendment Bill.

Clause 38, defining the powers and duties of the District Board.

Sir *J. Graham* proposed an Amendment in page 18, line 13, after "Guardians," insert "and every such board for a school district shall appoint, with the consent of the Bishop of the diocese, at least one chaplain of the Established Church, as one of the paid officers aforesaid, who shall be empowered to superintend the religious instruction of all the infant poor being under the control of such District Board," was inserted.

Sir *C. Napier* wished to know what was to become of the Dissenters and Catholics?

Sir *J. Graham* said, the whole of this Clause would be governed by the proviso at the end, which enacted, that at all reasonable hours of the day "any licensed minister of the religious persuasion professed by any adult inmate, or if the religious persuasion in which any child has been brought up, or in which the parents, or surviving parent, or next of kin, as the case may be, shall desire such child to be instructed, to visit the school or aysl͏um at the request of such adult inmate, for the purpose of affording to him religious assistance, or to visit such child for the purpose of instructing such child in the principles of his religion."

Mr. *Hawes* suggested that the words "lawful minister" should be substituted for "licensed minister," which was a term of doubtful construction.

Sir *J. Graham* said, he had taken the words from the Clause which regulated the admission of dissenting and Catholic clergymen into workhouses under the Poor Law Amendment Act. There was no difficulty whatever in the construction of the term "licensed minister," it was sufficiently comprehensive, and had been decided by high legal authority, and was so acted upon by the Commissioners, that licensed ministers included every minister recognised as a minister by the religious body to which he belonged, and having conformed to the law, and liable to no penalty for acting as a minister. If, however, on consideration, the hon. Gentleman did not think the words sufficiently comprehensive, he should be prepared to adopt any reasonable modification that might be suggested on bringing up the Report.

Clause amended to stand part of the Bill.

On Clause 45, "Children may be sent to district schools from parishes and unions not combined in the school district, but not distant more than twenty miles," being proposed,

Mr. *S. O'Brien* moved an Amendment, pursuant to notice, that in line 12, after the words, "by virtue of this Act," these words be inserted, "provided always, and be it further enacted, that whenever it shall appear to the board of any district school that the space within such school is more than sufficient for the accommodation of poor children within the district for which such school shall have been built, it shall and may be lawful for such board to make order for the admission of so many other children residing in the said district as shall seem expedient; and the weekly provision for the maintenance and education of such children shall be fixed by the board at such rate as shall in their judgment be amply sufficient to cover every expense on account of such children."

Mr. *Ferrand* opposed the Amendment, on the ground that it would give the Commissioners control over the education of the whole poor of the country.

Sir *J. Graham* said, the suggestion of his hon. Friend the Member for Northamptonshire was an important one, and the argument was rather in favour of its adoption. He was, however, inclined to allow the experiment to be tried, limiting it to pauper children, before they attempted to carry it a step further. It would be difficult to fix the precise charge for educating the children of the poor generally in these schools, because if a low rate of charge were fixed these schools would come into what he thought would be an unfair and injurious competition with the British and Foreign Schools and National Schools; and if it were fixed at a high rate it would be inoperative. Therefore, admitting that *primâ facie* there was much in its favour, still, on the whole, he did not consider it prudent to adopt the Amendment.

Mr. *Wakley* did not see why, having given such extraordinary powers to the Commissioners in other things, they did not leave them some control in the matter of education. Give the children of the poor education, and he had no fears as to who had the control. He should move an Amendment in line six, after the word "board," to insert the words "subject to the approval of the Poor Law Commissioners."

Sir *J. Graham* had come down to the House full of anxiety as to the discussion on those Clauses relating to education and religious instruction. He was happy to say that the tone the discussion had taken had altogether removed that anxiety. The great object of all was to give to the poor the largest amount of education. Now, he would state what was his view of the matter. It was quite clear that these schools would be established only in populous districts, and to those districts alone in the main were they applicable, and though there were not so many schools in those districts as he could desire, still generally, there were schools already established. His fears were that the attractions of these district schools—the terms of which would be liberal—would bring them into direct competition with those other schools in the neighbourhood, many of which would cease to exist. And though you would improve the district schools by the extension proposed, still, as it would have the effect of shutting up other schools, he was of opinion that the Clause, limited, as it now was, would upon the whole, ensure the largest amount of education to the poor.

Mr. *Hawes* referred to the education of the pauper children at Norwood, which, he said, was of a very superior kind. He did not think that the education afforded in the schools that would be discontinued, could be put in competition with that which would be given in these district schools. He was afraid that by the proviso the children of paupers would have a much better education than those of independent labourers, which was not at all desirable. But as this question was one of great importance, it might, he thought, be well to postpone it until the Report.

Proviso withdrawn.

Clause ordered to stand part of the Bill.

Clauses to 54 inclusive, agreed to.

House resumed. Committee to sit again.

FIELD GARDENS.] Mr. *Cowper* having moved the Order of the Day for the Committee on the Field Gardens Bill,

Sir *J. Graham* said, he thought there could be but little hope of this Bill passing into a law during the present Session. If that should also be the opinion of the hon. Gentleman, he would then suggest to him that the better course would be to go into Committee on the Bill *pro formâ*, either then or next Wednesday, for the purpose of making such alterations in its detail as the hon. Member might on further consideration, or on communications he had received from persons in the country, think it necessary to introduce, and that it should be then printed as amended, and circulated during the recess, in order that the House might be in a condition to consider the subject with advantage in the next Session of Parliament. He had consented to the second reading of the Bill, fully approving of its principle, but with every wish for the success of the measure, he thought that the course he has now suggested would be most conducive to that end.

Mr. *Cowper* could not but feel much gratified at the manner in which this Bill had been received by the right hon. Baronet (Sir James Graham) and the House, and concurred with the right hon. Baronet that it was not likely at so late a period of the Session be could engage the attention of the House to its clauses, so as to have them amended, and placed in that state he should desire to see them before they passed into law. He did not entertain any expectation of passing the Bill during the present year, nor was it his intention to attempt to pass it. He would adopt most willingly the suggestion of the right hon. Baronet, and would now move that the House resolve itself into Committee *pro formâ* on the Bill, in order that they might have an opportunity of making some verbal alterations, and then postpone the measure until another Session.

Bill passed *pro formâ* through Committee.

METROPOLITAN BUILDINGS.] House in Committee on the Metropolitan Buildings Bill.

On Schedule B,

Mr. *Hawes* said, he was astonished to find the Bill so far advanced at half-past six o'clock. He thought it would have been no great stretch of courtesy, under the circumstances, if the noble Lord had postponed the Bill. He had intended to propose several Amendments in some of the Clauses, which he had been deprived of the opportunity of doing; but he should feel it his duty to bring them forward on the Report, and to recommend them to the attention of the House. He felt that the Bill had been smuggled through the House without that fair and proper consideration which was due to a measure affecting so great a mass of property; but he hoped that in the other House of Parliament there were parties who had a better feeling of what was demanded by the magnitude of the interests at stake. Yes, thank God, there was a House of Lords, and he did not despair that the Bill would there receive more attention.

Schedule agreed to.

On Schedule C, Section 2,

Mr. *Hawes* moved to substitute the words "district surveyor," instead of "official referees."

The Committee divided on the question that the words "official referees" stand part of the Clause:—Ayes 25; Noes 10: Majority 15.

List of the AYES.

Acland, T. D.
Baring, hon. W. B.
Boldero, H. G.
Buckley, E.
Christopher, R. A.
Clerk, Sir G.
Colvile, C. R.
Cripps, W.
Darby, G.
Eliot Lord
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Lockhart, W.
Marsham, Visct.
O'Brien, A. S.
Palmer, G.
Polhill, F.
Somerset, Lord G.
Spooner, R.
Sutton, hn. H. M.

TELLERS.
Young, J.
Pringle, A.

List of the NOES.

Brotherton, J.
Busfield, W.
Fleetwood, Sir P. H.
Humphrey, Mr. Ald.
Mitchell, T. A.
Muntz, G. F.
O'Connell, M. J.
Scott, R.
Wawn, J. T.

TELLERS.
Hawes, B.
Tufnell, H.

On the Motion that the Schedule stand part of the Bill,

Mr. *Hawes* said, he would take the sense of the House against it.

The Committee divided on the question that Schedule C stand part of the Bill:—Ayes 29; Noes 5: Majority 24.

List of the AYES.

Acland, Sir T. D.
Baring, hon. W. B.
Boldero, H. G.
Brotherton, J.
Buckley, E.
Busfeild, W.
Christopher, R. A.
Clerk, Sir G.
Colvile, C. R.
Cripps, W.
Darby, G.
Duncombe, T.
Eliot, Lord
Fleetwood, Sir P. H.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Knatchbull, rt. hn. Sir E.
Lincoln, Earl of
Lockhart, W.
Marsham, Visct.
O'Brien, A. S.
Palmer, G.
Polhill, F.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.

TELLERS.
Young, J.
Pringle, A.

List of the NOES.

Browne, R. D.
Mitchell, T. A.
Muntz, G. F.
Scott, R.
Wawn, J. T.

TELLERS.
Hawes, B.
Humphery, Ald.

Whereupon Mr. Greene left the Chair and Mr. Speaker having resumed the Chair, Mr. Greene reported, that it appeared on a division in the Committee, that only thirty-nine Members were present; upon which Mr. Speaker counted the House, and forty Members being present, the House again went into Committee on the Metropolitan Buildings Bill.

The Schedules were agreed to.

The House resumed. Bill to be reported.

House adjourned at a quarter-past ten o'clock.

HOUSE OF LORDS,

Thursday, July 18, 1844.

MINUTES.] BILLS. *Public.*—2ª. Detatched Parts of Counties; Aliens; Art Unions; Butter and Cheese.

Reported.—Linen, etc. Manufactures (Ireland).

3ª. and passed:—Customs Duties (Isle of Man).

Private.—1ª. Gaspé Fishery and Coal Mining Company; Sir George Gervis's (or Pemberton's) Estate.

2ª. Bishop of Down, Connor, and Dromore's Estate; Middle Level Drainage and Navigation; Paisley General Gas.

Reported.—Croydon and Epsom Railway; Brighton, Lewes, and Hastings Railway; Harris's Estate; Passingham's Estate; The Bishop of London's Estate; Great Southern and Western Railway.

3ª. and passed:—Wells Lighting and Improvement; Delabole and Rock Railway.

PETITIONS PRESENTED. By Earl of Minto, from Kintyre, for Improving the Condition of Scotch Schoolmasters.—By Duke of Richmond, from South Stoneham, and a great number of other places, for Protection to Agriculture.—From Manchline, and Catrine, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—By Earl of Radnor, from Perth, against the Salmon Fisheries (Scotland) Bill.—From Middleton, against the Poor Law (Ireland) Bill.

ALIENS BILL.] Lord *Brougham* said, that in moving the Second Reading of the Bill, of which, originating in the other House, he had taken charge, he would state as shortly as he could the nature of this Bill. Their Lordships were, no doubt, aware that in all times the law of this country with respect to Aliens had been, that until they were naturalised by Act of Parliament, or denizened by letters of denization from the Crown, they were debarred from enjoying almost all the rights which belonged to British subjects. They could not hold any office, they could not sit in the House of Commons. They could not inherit or possess by purchase one single acre of real property, or chattels real which savoured of the reality, and to this had been added some other restrictions and regulations which he considered very discreditable and impolitic to the country. They could not, for instance, register themselves as owners of vessels, these were the common and ordinary disqualifications of Aliens—but there were also several Acts, passed at different times, imposing other restrictions. By the Act of Settlement, and again by an Act of George I, it was ordered that Parliament should include in all facts of naturalization a Clause prohibiting the holding of office and the sitting in Parliament. By subsequent Acts these regulations had been in some degree modified; the sons and grandsons of British subjects both abroad were declared to be British subjects; but still with respect to female issue, the old law remained in force. Another anomaly was this. If an English woman married a foreigner, the issue would not be considered British subjects. According to this, a lady whom he had the pleasure of knowing, the Countess Flahaut, who was a Scotch Peeress in her own right, and who had married a foreigner, could not be succeeded in her property in this country by any son which she might have of her present marriage. And what was the consequence? Her property would not go to the next heir, but would go to the Crown. It was said that the object of the Aliens Act, was the apprehension that, upon the accession of a foreign family to the Throne, the offices in service of the Crown would be overrun with foreigners, and her destinies swayed by foreign influence in Parliament. With others, who desired to be naturalised, the expense was 100*l.* on each individual, and the consequence was, that the average number of Naturalization Bills was not more than eight in the year. Now they would not allow a foreign artificer, who might come to this country, and who by his skill, might confer a benefit on it, to hold even the office of a petty constable, but directly a great case occurred, such as the marriage of Prince Leopold to the heiress presumptive to the British Crown, or the marriage of Prince Albert to Her present Majesty, the Standing Orders in both Houses were suspended, and a Naturalization Bill passed in the course of twenty-four hours. The conclusion to which the Committee of the House of Commons had come on this subject was, he believed, a correct one. The Bill enabled Aliens to be naturalized without the necessity of coming to Parliament, subject to a discretionary power vested in the Secretary of State for the Home Department; and on being naturalized they would enjoy all the privileges of natural born subjects, with the exception of the right to vote for Members of Parliament, an exception, however, the expediency of which he did not perceive. Aliens, on being naturalized, were to take a most minutely framed oath of allegiance. The Bill also enabled every person born out of Her Majesty's dominions of a British mother to enjoy all the rights of a natural born subject; and in Committee he should propose to add, that the foreign wives of British subjects should also be taken to be naturalized by their marriage *ipso facto.* There was one defect in the Bill, namely, that it had no compensation clauses; but these must be left to be added by the House of Commons, as their Lordships could not supply that deficiency. He now moved that their Lordships would allow the Bill to be now read a second time.

Bill read a second time.

ART-UNIONS BILL.] Lord *Monteagle* moved the second reading of a Bill, to which he anticipated that no objection would be offered, namely, a Bill for the purpose of legalising Art-Unions—for on a former occasion, in introducing this Bill, he had stated in a few words the nature and objects of the Bill. These Art-Unions might be simply described as voluntary associations of individuals who contributed their money, with no interest of a pecuniary nature connected with the money subscribed to form a fund to be expended in the purchase of works of art, which were to be afterwards distributed among themselves by lot. These institutions had now for some years existed in this country. In 1835, a Parliamentary Committee sat to consider the subject of the promotion of the Fine Arts, and before this Committee were examined many persons of eminence, and amongst others, Dr. Waagen, who was so well known throughout Europe by his acquaintance with the fine arts. This gentleman stated, that so far back as 1825, Art Union Associations of this kind had existed in Prussia under the name of *Kunstverein*, and they had since been introduced into Hanover, Bavaria, and Wurtemburgh and other parts of the Continent; and it was upon the plan of these associations, that the Art Union of London was formed. Although at first they were coldly received, yet in no place had Art Unions made a greater progress than in this country since their establishment. The number of the subscribers had rapidly increased—from a few hundreds to 14,000—and the present contributions of the Art Unions of London for the purchase of works of art, amounted to a larger sum than was appropriated to the purpose by the munificence of Parliament. He believed that no less than 30,000*l.* had been expended by these associations in the encouragement of art in this country during the past year. The illustrious Duke (the Duke of Cambridge) who was present in the House, was a patron of the Art Union of London—many Members of both Houses of Parliament—many of the learned Judges of the land and others, were members of it; and the number of members and subscribers altogether amounted to 13,612 persons. Now, it had been discovered that under the provisions of an Act of Parliament, every one of those persons was liable to the pains and penalties incident to a prosecution for belonging to that association. Now, it would be admitted that this was a state of things that ought not to be allowed to continue, and it was to provide a remedy that he introduced this Bill. Their Lordships had already given parties relief with respect to actions arising out of horse racing, as soon as they made out a case—but here was a case which much more strongly called for interference. This association had been formed under the opinion that it was legal, but it turned out that it came within the provisions of an existing Act of Parliament, and Government had given notice to the parties that they would be liable to penalties if they continued Members of this society. It was right that the Government should give this notice, for if they had not done so, all the evils incident to lotteries might be revived under the colour of Art Unions, by connecting money and pictures as prizes to be drawn for. Therefore lotteries might have been revived under the colour of Art Unions, and for the benefit of speculators. The Bill which he proposed to remedy the present state of things consist of two provisions. The first provision had for its object the legalizing the past transactions of those Art Unions, those Unions existed at London, Dublin, Edinburgh, Manchester, Birmingham, Liverpool, and in almost all the great towns of the country, this provision would give an indemnity with respect to all past transactions. The other provision would go to enact that in future a Royal charter of incorporation might be given to any of those Art Unions, or that the approval of the Board of Trade of the rules and regulations of any Art Union should be sufficient to legalize its practical operation. He could not avoid adding as he was desirous to place Art Unions under the direction of the Board of Trade, because at present all the schools of design in the country were under the control of that department. The Bill provided that from and after the 1st of January next the Board of Trade should be empowered to sanction the operation of any Art Union of the rules of which it approved. He hoped that their Lorships would consent to allow this Bill to be read a second time with the least possible delay. The subject had no political bearing, but it was intimately connected with the interests of an important and most respectable body—the artists of this country. The purchases for those Art Unions were generally made during the annual exhibitions, and for many years the artists had found these Art Unions to be their best customers. It would be a grievous disappointment to many of these individuals if this Bill was not carried. As this Bill might have some modification in the House of Commons, he did not ask their Lordships to pledge themselves to the words of the Bill—what he wished was, that the Bill might be read a second time, so that they would be able to give it full consideration, and secure its passing in the present Session.

Bill read a second time.

INSOLVENT DEBTORS ACT AMENDMENT BILL, *and* CREDITORS AND DEBTORS BILL.] The *Lord Chancellor* brought up the Report from the Select Committee on those Bills. That the Committee had met and considered the said Bills, and examined witnesses in relation thereto, and have directed the first mentioned Bills to be *reported*, with Amendments; and are of opinion, that the said last mentioned Bill should not be proceeded with.

Lord *Brougham* said, that this Bill had the humane object of relieving from imprisonment for debt numbers of unfortunate persons who were now so confined, and, amongst others, those who were imprisoned under the orders of the 280 Courts of Request, or Small Debts Courts, whose sufferings were really enough to make one's hair stand on end—any thing so abhorrent as the treatment of these unhappy people could not be imagined to exist in a civilized country. His noble and learned Friend had introduced provisions in the Bill which practically abolished, without limitation, all imprisonment for debts not amounting to 20*l.* There were other remedial provisions which tended substantially, although not in form, to abolish imprisonment in all cases in which it ought to be abolished, where there was no fraud, or pertinacity, or undue extravagance. As every day at this period of the Session was of importance, and as anything which would impede the passing of the Bill this Session involved the risk of detaining these persons in confinement during the long vacation, he hoped there would be no objection to forthwith referring the Report of the Select Committee to the Committee of the whole House, and he should move that the House should now resolve itself into Committee for that purpose.

Lord *Campbell* objected to any step being taken in the absence of Lord Cottenham, who took a deep interest in the subject, and without notice to him.

After some conversation it was ordered that the Report should be printed, and that the House should go into Committee on the Bill to-morrow.

CLONMEL ENDOWED SCHOOL.] The Earl of *Mountcashel* proceeded to submit to their Lordships the Motion of which he had given notice, and in the outset disclaimed being actuated by any desire to deal in personalities, or to make reflections on any parties except those whose conduct was, in his apprehension, open to censure. The subject to which he wished to call the attention of their Lordships, had reference to the endowed school of Clonmel, and to the course adopted by the Commissioners appointed under the Act of the 53rd Geo. III. with respect to income derived from the lands belonging to that charity. This school was originally endowed by his ancestors, and it so happened that he was one of the trustees, and that his noble Friend the Marquess of Ormond was another of the trustees; but although the trustees had never violated their trust, the whole management of the charity had been taken out of their hands. What he complained of was, that the Commissioners to whom he alluded, and who had now the management of the lands connected with the charity, had not done what they were bound to do. He was prepared to satisfy their Lordships that the Commissioners had greatly transgressed the duty they were bound to perform, and if he succeeded in this he thought he would establish grounds to make them answerable for their conduct to Parliament. Now, his first charge against those Commissioners, the Commissioners under the Act of the 53rd Geo. III. was, that they had unlawfully usurped the Clonmel school lands. His second charge against them was, that they had not furnished correct accounts of all the instalments of the rents which they had received, and which ought to have been applied in liquidation of an advance of 4,000*l.* made to the charity by the Government; and, thirdly, he charged them with having received two years' rents, amounting to 1,200*l.*, and although they had paid only

100*l.* to the schoolmaster, they had refused to give the trustees any account of what had become of this money. These were the charges which he brought against the Commissioners, and he contended that they were bound to apply the rents which they received in reduction of the 4,000*l.* advanced by the Government.

The *Lord Chancellor* thought, from the statement of the noble Earl, that this was a subject for inquiry in the Court of Chancery and not in their Lordships' House.

The Earl of *Mountcashel* said, that he meant no reflection on the Lord Chancellor of Ireland, but being a member of the Board of Education the trustees did not think it would be right to appeal to him.

The *Lord Chancellor*: Well, then, why not go to the Master of the Rolls.

The Earl of *Mountcashel* said, that the Master of the Rolls stood in the same situation, and this rendered it necessary that their Lordships should interfere.

Lord *Wharncliffe* did not think the House of Lords could do anything in such a case.

The Earl of *Mountcashel* said, if their Lordships would only allow him, he would show cause against all objections to his Motion.

Lord *Wharncliffe* did not mean to say that the statements of the noble Lord were wrong, but he would put it to the noble Earl whether it was worth his while to go on with his speech when it was clear their Lordships could not interfere in that which seemed to be a disputed question of right between the trustees of this school and the Board of Education in Ireland.

The Earl of *Mountcashel* thought he should be able to show to their Lordships that there were grounds which would justify their interference. He had already said that the Commissioners had rendered no account of the rents which they had received, or in reference to the 4,000*l.* advanced by the Government, and even by their own Report it appeared that there was a sum of 240*l.* for which they had not accounted. Not only had the Commissioners refused to give any account to the trustees, but they had acted oppressively towards the master of the school; and as the trustees had never neglected their duty, he thought the management of the property belonging to the school should not have been withdrawn from them.

The Duke of *Wellington* wished to know what the Motion was which the noble Earl meant to make.

The Earl of *Mountcashel* said, that if the noble Duke would undertake to have the subject inquired into, he would withdraw his Motion.

The Duke of *Wellington* was understood to decline giving any promise.

The Earl of *Mountcashel* then moved that a Select Committee be appointed to inquire into the endowment of the School of Clonmel.

The *Lord Chancellor* said, the Notice on the Paper was for a Committee to inquire into the subject generally of Education in Ireland.

Lord *Wharncliffe* said, that having seen the Motion as it stood on the Paper, he had made inquiry on the subject, but no one connected with the Irish Government seemed to know anything about it. If his noble Friend would allow him to offer a recommendation, he would say that the best way would be for his noble Friend to draw up a statement and forward it either to the Lord Lieutenant or Lord Eliot, and then he would get some answer. In this way the Board of Education would be called on to defend themselves, and no doubt would explain their conduct, whether to the satisfaction of his noble Friend or not he could not determine; but, at all events, even if their Lordships could interfere, it would be preposterous to appoint such a Committee at this period of the Session.

The Earl of *Glengall* said, that he was aware of the whole case, and knew the master of the school in question, who was a most respectable clergyman. He would advise his noble Friend to withdraw his Motion and adopt the suggestion which had been thrown out.

The Duke of *Richmond* said, he must join in the recommendation which had been given to the noble Earl. If this case got into Chancery, it was possible it might come before their Lordships' House, and that was an additional reason why their Lordships should not agree to the Motion of the noble Earl. Although the Lord Chancellor of Ireland might be a member of the Board of Education, that was no reason why he should not deal out impartial justice.

The Earl of *Mountcashel* said, he had guarded himself from casting any imputation on the Lord Chancellor of Ireland, for whom he entertained the utmost respect, but on principle he must object to any one being a judge in his own case. In a Bill recently before the House, relating to Irish charities the name of the Lord Chancellor was expressly omitted, on the ground which he had stated.

The Duke of *Wellington*: Well, you can move an Amendment to that Bill.

The Earl of *Mountcashel* said, he only mentioned the case of that Bill as a proof that the principle on which the trustees refused to appeal to the Court of Chancery was right. He also thought that a Chancery suit was not likely to contribute to the means of usefulness of a charity.

The Duke of *Wellington*: My Lords, this seems to me to be a case that ought to be brought before the Court of Chancery in Ireland, because, from what I can gather from the noble Earl, it seems to me that what he complains of is a breach of trust. It is somewhat difficult to understand the questions to which the noble Earl has called on your Lordships to attend. The Board of Education in Ireland is composed of some of the first persons in that country, and the Commissioners are also persons of the utmost respectability, and whether the complaint of the noble Earl is directed against one or the other of these parties it does not appear to me that your Lordships can interfere. His proper course is to make his complaint to the Executive Government of Ireland, to either the Lord Lieutenant or the Secretary of State, and if he adopts that course no doubt whatever statements he may make will be taken into consideration, and the Commissioners will be required to answer them. If the result of such a course shall not prove satisfactory to the noble Earl, why he will have gained the advantage that Parliament will be in possession of the whole case, and enabled to deal with it accordingly. If the noble Earl does not take this course, I hope your Lordships will negative his Motion.

The Earl of *Mountcashel* said, that he never meant to make any charge against any one except the Commissioners.

Motion negatived without a division.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 18, 1844.

MINUTES.] BILLS. *Public.*—1°· Private Partnerships. *Reported.*—Duchy of Cornwall Assessionable Manors; Duchy of Cornwall Lands; Joint Stock Companies Remedies at Law; Railways; Land Tax Commissioners Names; Parish Constables.

3°· and passed:—Copyholds Enfranchisement; District Courts and Prisons; Party Processions (Ireland); Western Australia; Farm Buildings; Loan Societies.

Private.—*Reported.*—Leeds Vicarage.

PETITIONS PRESENTED. By Mr. T. Duncombe, from Rigby Mason, Esq., for Amendment of Law of Controverted Elections.—By Viscount Ingestrie, from Staffordshire (8), and Mr. S. O'Brien, from Northampton (9), against Repeal of the Corn Laws.—By Mr. S. O'Brien, from Market Harborough, against Canal Companies Bill; and Mr. Gladstone, from Canal Companies (11), in favour of same.—By Mr. T. Duncombe, from A. Wivell, in favour of Damage by Fire Bill.—By Captain Pechell, from D. Macintyre, alleging Services.—By Mr. T. Duncombe, from Brandon, respecting Mildenhall Savings' Bank.—By Mr. B. Smith, from P. Pentin, for Redress.—By Mr. Hayter, from Exeter, against Railways Bill.—By Mr. T. Egerton, from Stockport, and Mr. T. Duncombe, from Dorchester, against Savings Banks Bill.

POOR LAW.] House in Committee on the Poor Law Amendment Bill.

On Clause 57,

> "Guardians under local Acts to conduct their proceedings in like manner as guardians appointed under the 4th and 5th Wm. IV., c. 76, and that parishes under local acts, with a population of more than 20,000, not to be united without the consent of the guardians."

Mr. *T. Duncombe* objected to the operation of this Clause being extended to those metropolitan parishes which were governed by local acts.

Sir *J. Graham* said, there were very few of the metropolitan parishes to which the Clause would apply; but there were many country districts in which such a provision was necessary.

Mr. *Muntz* moved, that the whole of the latter part of the Clause, relating to parishes with a population of more than 20,000, be omitted, for the purpose of inserting the words,

> "That it shall not be lawful for the said Commissioners to interfere with the management of the Poor in any parish containing more than 20,000 inhabitants, where relief has been hitherto administered to the Poor by Guardians under the provisions of a local Act without first obtaining the consent, in writing, of at least two-thirds of such Guardians, or a majority of Ratepayers assembled in public meeting, called especially for that purpose."

Sir *J. Graham* opposed the Amendment. It would defeat the most important Clauses of the Bill which the Committee had already passed. As the law now stood, the Poor Law Commissioners had undoubted control over those parishes governed by local acts; by this Clause that power was in some degree limited. There was no doubt that the Commissioners might now, if they pleased, form St.

Pancras, St. George's, and Marylebone into one Union; and it was to prevent the unreasonable and inconvenient exercise of that power that the Clause was introduced.

Mr. *Spooner* supported the Amendment. He could not see the force of the right hon. Baronet's reasons for opposing it. The first ground was, that they would by agreeing to this Amendment undo that which had been done yesterday. That was one great reason why he (Mr. Spooner) intended to vote for the Amendment. The borough of Birmingham was governed by a system in which the opinions of the whole rate-paying population was represented; that system had worked well, and had given universal satisfaction; but if the guardians, who, under that system, administered the Poor Law, were to be interfered with as proposed by this law, he could assure the Committee they would not consent to act, as they then would be the mere servants to the Commissioners.

Mr. *Wakley* said, there had been some misunderstanding with regard to the hon. Member for Birmingham, who had just spoken. Somebody had made a mistake. They had been given to understand that the hon. Gentleman came to that House as a good old Tory, but what did they find? They found him supporting the Birmingham system of Poor Laws, because the guardians were elected triennially, because they were elected by ballot, and because the principle of universal suffrage in their election was recognised. If those were the principles of a Birmingham Tory, he hoped they should have many more of them in that House. He should support the Amendment.

Colonel *Sibthorp* congratulated the Birmingham people on their return to their senses, evinced by the return of the hon. Gentleman (Mr. Spooner) for Birmingham. "Let the galled jade wince, his withers were unwrung." He doubted not, if there were another election in Birmingham, the electors there would return another Gentleman to keep company with his hon. Friend on that (the Ministerial) side of the House. He should also vote for the amendment.

The Committee divided on the question that the words proposed to be left out stand part of the question.—Ayes 78; Noes 23: Majority 55.

List of the AYES.

A'Court, Capt.
Adderley, C. B.
Ainsworth, P.
Aldam, W.
Allix, J. P.
Antrobus, E.
Ashley, Lord
Baillie, Col.
Barneby, J.
Barrington, Visct.
Bodkin, W. H.
Boldero, H. G.
Botfield, B.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Bruce, Lord E.
Campbell, Sir H.
Campbell, J. H.
Chelsea, Visct.
Childers, J. W.
Clay, Sir W.
Clive, hon. R.
Cripps, W.
Damer, hon. Col.
Dawnay, hon. W. H.
Denison, E. B.
Dickinson, F. H.
Egerton, W. T.
Forster, M.
Gaskell, J. Milnes
Gordon, hon. Capt.
Gore, M.
Graham, rt. hn. Sir J.
Grosvenor, Lord R.
Harris, hn. Capt.
Hawes, B.
Henley, J. W.
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Howard, P. H.
Jermyn, Earl
Johnstone, Sir J.
Knatchbull, rt. hn. Sir E.
Langston, W. H.
Liddell, hon. H. T.
Lincoln, Earl of
Lindsay, H. H.
Lockhart, W.
McGeachy, F. A.
Manners, Lord C. S.
Meynell, Capt.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Norreys, Lord
Norreys, Sir D. J.
Palmer, R.
Peel, rt. hn. Sir R.
Peel, J.
Philips, G. R.
Plumptre, J. W.
Rushbrooke, Col.
Russell, J. D. W.
Somerset, Lord G.
Somerville, Sir W. M.
Sutton, hn. H. M.
Trench, Sir F. W.
Trotter, J.
Vivian, J. H.
Wakley, T.
Walker, R.
Wawn, J. T.
Williams, T. P.
Wood, Col.
Wortley, hn. J. S.
Wrightson, W. B.

TELLERS.
Young, J.
Pringle, A.

List of the NOES.

Ackers, J.
Arkwright, G.
Baskerville, T. B. M.
Borthwick, P.
Brocklehurst, J.
Collins, W.
Colvile, C. R.
Darby, G.
Dodd, G.
Douglas, J. D. S.
Duncombe, T.
Fitzroy, hon. H.
Fleetwood, Sir P. H.
Forman, T. S.
Fuller, A. E.
Hall, Sir B.
Hervey, Lord A.
Mundy, E. M.
Napier, Sir C.
Pechell, Capt.
Sibthorp, Col.
Williams, W.
Yorke, H. R.

TELLERS.
Muntz, G. F.
Spooner, R.

Colonel *Wood* then moved an addition to the Clause:—

"Providing that the Commissioners shall, upon application in writing of two-thirds of the guardians of parishes containing more than 20,000 persons, declare such parish be separated from a union."

His object was, that Kensington and other parishes similarly circumstanced, which could not, were this Clause to pass, be united into one Union, should be separated from the unions of which, under the existing law, they had been made to form part.

Sir *J. Graham* said, that an hon. Friend of his had given notice of an Amendment, empowering the Commissioners to alter the limits of any existing union, and as that was the larger proposition, he submitted to his hon. and gallant Friend whether it would not be advisable to postpone his present Amendment until after the sense of the Committee should have been taken upon that other Amendment.

Amendment postponed.

Clause agreed to.

On Clause 58, that parishes with a population exceeding 20,000, under Local Acts, having adopted the provisions of the 1st and 2nd Will. c. 60, to elect permanent paid auditors,

Mr. *Hogg* moved that the parishes of St. George, St. James, St. Marylebone, and St. Pancras be excluded from the operation of this Clause.

Sir *J. Graham* said, to make an audit effectual, the auditor must be independent of the parties whose accounts he audited. The question was, whether an auditor elected under Sir J. Hobhouse's Act was in that position. Now, he understood that in 1835, in the parish of St. Marylebone, the auditor did append certain remarks which the vestry suppressed. If that could be done, the audit could not be said to be effectual. But if the two hon. Members representing Marylebone could contradict that report — if they could assure him that no such thing had taken place, and he found that the majority of the rate-payers objected to be included in the operation of this Clause, he should not have any ground for resisting their desire.

Sir *C. Napier* said, the right hon. Baronet had asked him a question. What answer did he expect? All he could say was, that since he had represented Marylebone he had never heard any rate-payer complain of the auditors. He believed they were satisfied with the auditors, and if they were not, they could get rid of them at the end of the year. The right hon. Baronet had asked him (Sir C. Napier) whether it were not true that certain remarks appended by the auditors, in 1835, to their report, had been suppressed by the vestry. He was not prepared to say that it was not. But that he might be enabled to speak with certainty on the matter, he would move, that the Chairman do now report progress and ask leave to sit again, in order that he might ascertain the truth of the statement which the right hon. Baronet had so unexpectedly brought forward.

Sir *B. Hall* said, that during the period he had had the honour of representing Marylebone (since 1837), and having attended closely to its parochial affairs, he could say that he had never before heard of the circumstance to which the right hon. Baronet had referred. He could not take on himself to assert that no such circumstance had taken place, but if it had he had never before heard of it. During the whole time he had been connected with the parish he had never heard of any complaint being made as to the manner in which the auditors performed their duty.

Sir *J. Graham* said, foreseeing that much time would be taken up if he persevered with this Clause, and looking at the great inconvenience which would result from any such delay at this advanced period of the Session, he was not disposed to insist upon more than the first part of it, which was indispensable.

Mr. *Liddell* had conscientiously opposed the Poor Law for many years, but he must say, that the Amendments which had now been made in that law by the right hon. Baronet removed most of his objections.

Mr. *Wakley* said, the great evil complained of by the minority in these parishes was, that the majority elected the vestry, and the vestry the auditors, and that they played into each other's hands.

Sir *C. Napier* withdrew his Motion to report progress, the Amendment proposed by Sir James Graham was agreed to, and the Clause ordered to stand part of the Bill.

House resumed. Chairman reported progress.

Committee to sit again.

Repeal Buttons.] Mr. *Wyse*, seeing the right hon. the Secretary for War opposite, begged to ask him the question, of which he had given him notice some days since. He (Mr. Wyse) had noticed in a late publication of the *Dublin Even-*

ing Post, the following particulars of a circumstance which was stated to have taken place within the precincts of Her Majesty's Castle of Dublin. He begged to be permitted to read the statement to the House:

> "A case of an important nature was investigated at this office on yesterday. It appears that a young man named James Osberry, the driver of a hack car, was taken up in the street by a lady, who told him to drive her to the Lower Castleyard. He proceeded to the place named, and when about to enter the gate the sentry held up his hand and called on him to stop. The young man did so, and then the soldier asked him, 'Have you a repeal button on your coat?' 'No,' replied Osberry, 'I have not.' The lady told the sentry that he had no right to stop the man; and added that she was the wife of a soldier, and ought not to be stopped. The sentry told the man to go on, when Sergeant R. Cassen, of the 24th Regiment, came up and said, 'Have you a repeal button on your coat?' 'No,' said Osberry, putting his hand to his breast 'don't you see I have not.' 'Have you one at all about you?' inquired the sergeant, 'I have one in my pocket,' replied the young man; 'I won't conceal that, as I don't want to tell you a lie.' 'Seize him, guard,' said the sergeant, and at once the young man was taken into custody by a file, and brought to Chancery lane station-house, where the following charge was entered against him:—'For forcing his way past the sentry, and for abusing the sergeant at the Lower Castlegate.' The charge having been entered, the prisoner was taken in custody of a policeman and a soldier, with a fixed bayonet, before the magistrates of Exchange-court police-court."

The case was argued by Mr. Walsh, and after the facts had been stated in evidence, the magistrates came to an unanimous opinion that the prisoner had not been guilty of any offence, and at once discharged him. Now, in consequence of this, and of another circumstance of a somewhat similar nature which had occurred still more recently, in the barracks of Dublin, in the instance of a man of the name of Ignatius Ennis, who, on his appearing in the court yard, had been seized and a button of the same description torn from his coat, he was induced to ask the right hon. Secretary—whether any and what orders had been given from the Horse Guards, or by the Commander-in-Chief in Dublin, with respect to persons wearing or having in their possession Repeal buttons, and appearing in barracks or within the precincts of the Castle?

Sir *T. Fremantle* had to state that he was not aware that orders against wearing Repeal buttons had been issued, in reference to Dublin Castle; but orders had been issued precluding any civilian, wearing political or party badges, from being admitted into any of the barracks in Ireland. As to the circumstances of the case to which the right hon. Gentleman had alluded, he had not been able to obtain precise information. He had every reason to believe that the order with reference to the barracks was strictly legal; but if any persons acting under it exceeded their duty, they would be responsible for so doing; and he believed that there was every disposition on the part of the proper authorities to enforce this responsibility. The sergeant in the first case alluded to was, as he understood, threatened with an action for false imprisonment, and the officer was also summoned to appear before a competent tribunal.

POST OFFICE—OPENING LETTERS.] Mr. *Thomas Duncombe:* I wish, Sir, to make a statement of some importance with reference to a particular branch of the proceedings of this House, and to which I have called the attention of this House, by a Notice upon the Paper, in order that neither the Members of the Government, nor of the Secret Committee upon the Post Office, should say that they were taken by surprise. It is not the practice or rule of this House to refer to or interfere with any business under discussion in a Committee, but I think that there are special cases in which the proceedings of a Committee may be investigated, or attention drawn to them without trenching upon the usual and proper practice, because, in my judgment at least, it would be preposterous and absurd to lay down such a rule as that if a Committee of this House has committed any great injustice or any great error, that you shall not inquire into that injustice or that error until the report be made, when it will be too late to remedy the one or correct the other. Therefore, with the permission of the House—and without any intention of entering into the subject matter of the Committee—I beg to call attention to proceedings which I take to be of great public interest and importance. On Saturday last I was summoned before the Post Office Secret Committee; upon being so summoned, I was then and there asked whether I had any statement to make to the Committee? I replied that I had no particular statement to make, and that I had not expressed to any one a desire to make any such statement; but that as respected any information which it was in my power to give the Committee, I should be very happy to put them in possession of it. I was then asked whether I was prepared to prove certain charges which I had made in my place in Parliament. I stated to the Committee that I was so prepared, and by evidence. I was then asked to repeat the charges which I had made in my place in Parliament. I did so repeat them. And here I request the attention of the House, as I think that having so acted I have placed myself in quite a new position, in quite a different position from that in which I stood while making the charges in my place here, because, having repeated those charges before the Committee, charges which every Member of that Committee took down as well as the short-hand writer, I have in fact preferred a Bill of indictment, not only against the system of opening letters, but against the Government, which I accused of having acted upon that system. I do not know whether it be necessary for me now to repeat to the House what I stated on a former occasion, in my place in Parliament, or to go over the charges which I then stated I was prepared to prove to the House. These were briefly that the letters of foreign Ministers have been, and are now, opened in the Post Office; that a most unscrupulous use had been made for the last two years of the power of secret opening of letters, conferred, under certain circumstances, upon the Home Secretary; that a roving Commission had been sent down, in 1842, to open letters throughout the manufacturing districts; that the letters of many individuals had been opened; that, as I believed then, and believe now, and am in a condition to prove—my own letters have been opened—that some fifty or sixty letters of Mr. Mazzini had been opened since Christmas last—that Stolzman's letters had also been opened—that the letters of many foreigners besides had been similarly treated, and, finally, that I believed that this had been done at the instigation of Foreign Powers. These were the charges which I made in this House, and repeated to the Committee. I also described to them the mode in which I believed that the proceedings were carried on in the Post Office, and stated that I could prove the existence of what I termed a secret or inner office, where these operations were perpetrated. Having made these statements to the Committee, I was asked for a list of the witnesses by means of whom I proposed to prove them. I replied that I had such a list, and was ready to produce it on condition that when the parties named in it should be examined I should be present. I made this condition because I considered that if I really had been, as I was termed in the House, an accuser of the Government, in having originally brought forward the charges in Parliament, I was much more so then, having repeated these charges to the Committee, and answered questions put to me by one of its Members, founded upon a report of my first speech, which he held in his hand. When I proposed, then, to be present during the examination of these witnesses, the Committee informed me that they believed they had no power to permit my presence without first asking leave of the House. In that opinion I concurred then and concur now. I said, I did not think that they possessed the power of allowing me to examine witnesses, or be present at their examination, without the permission of this House, and with that feeling I made a formal application to the Committee to apply to this House for permission to enable me to be present—pledging myself, as of course I was prepared to do, in case I was allowed to be present, to profound secrecy in common with every Member of the Committee. Having made this application, I was ordered to withdraw. The Committee deliberated, and upon my return I was informed that they did not intend to make any such application as I had requested them to make to the House. I was then pressed—I do not use the word invidiously, in fact I have no reason to complain of the bearing of the Committee towards me, they were indeed not only indulgent, but actually coaxing. Well, as I was saying, I was pressed to furnish the Committee with the list of witnesses, which I declined to do on the conditions proposed. It was then suggested to me whether I had not confidence in any particular Member of the Committee with whom I could leave the list, and thus put him in the same position as myself. I replied, with the most profound respect for the Committee, that I had equal confidence in every one of its Members, and that what I was prepared to tell one I was prepared to tell all—I said that I did not think that one Member could do justice to my case, without being guilty of a breach of his duty; because, if I furnished him with the list of witnesses, and told him upon what points each witness could speak, then suppose a witness in his first examination did not exactly come up to what I had told him to expect, that Member would be guilty of a breach of duty did he communicate the matter to me, so that in fact no cross-examination of the witness could take place. Let it be observed, too, that although some of my witnesses would, I have no doubt, repeat to the Committee what they repeated to me, yet that there are others amongst them who would be reluctant, most reluctant witnesses, but without whose evidence it would be quite impossible to enter into the merits of the case. Still the Committee pressed me to give up this list, and asked why I could not put them in the position in which I stood myself. I said it was quite impossible—that I must most respectfully, but as firmly, decline giving up the list unless I was to be present at the examination of the witnesses. I do not know if I need go into further details as to what took place before the Committee. If I have stated anything incorrect I see several Members of that Committee present who can correct me; and if they entertain any doubts as to what I have said, they can move for the short hand writers' notes. But I wish the House to look at the present state of the question. I am called upon to furnish a certain list of witnesses in support of certain charges, and I am not to be permitted to be present while these witnesses are examined. This Committee was appointed by the right hon. Baronet opposite. It is a tribunal appointed to investigate certain charges and accusations against the Government of which he is a Member. Now this Committee, as it appears to me, turns round and becomes a tribunal for trying my accuracy and veracity, as to certain statements, and that too behind my back, so that it is not so much a tribunal for trying the Government as for trying me. I am perfectly ready to submit my credibility to the Committee in the presence of my witnesses, but it is totally impossible—and I say it as a Member of this House who has taken much pains to investigate the subject—it is totally impossible for the Gentlemen of that Committee to examine the witnesses as I, knowing the subject as I do could examine them. Let it be remembered, also, that no lawyers were allowed to be Members of that Committee. Now, I have the greatest respect for the Gentlemen who do compose it; but here are nine or ten of these Gentlemen turned into a room, quite ignorant of the whole subject, and the chief witnesses whom they have examined, are the different heads of the Department. Sir, I maintain, that as far as they have gone, or are indeed likely to go, they have merely skimmed the surface of this question—that they must go much deeper into it, and that they can do this by having evidence which I can lay before them in support of the allegations which I have made. Sir, the public will not be satisfied to allow the question to rest as it now stands. The public do not want a report which shall exhibit a great deal of historical and antiquarian research: they want to know to what extent the power of opening letters has been exercised, and under what circumstances it has been exercised, both by the present and the late Government. That is the subject which the Committee was appointed to investigate. We were to have the truth, the whole truth, and nothing but the truth. Now, I say, the truth cannot be ascertained unless I am present during the examination of certain witnesses. I have done. Having made this statement, it is for the House to deal with the subject as they think proper. They may give such instructions to the Committee as they think right, or they may let the matter alone; but I can tell them that, if they adopt this latter course, it is not one which will be satisfactory to this country. As a Motion is necessary, I will move,

> "That it be an Instruction to the Secret Committee on the Post Office, that they do allow Thomas Slingsby Duncombe, esquire, Member for the borough of Finsbury, to attend before the said Committee, and produce and examine witnesses in support of the petitions of Joseph Mazzini and others, and of Charles Stolzman, referred to the said Committee."

Viscount *Sandon* was anxious, as Chairman of the Committee, not to lose the opportunity of adverting to the facts of the case. He thought that he might be allowed to complain a little of the terms in which the hon. Gentleman had couched his notice of Motion in the paper. They were, that he intended "to call the attention of the House to the course pursued by the Secret Committee on the Post Office, in refusing to allow him to produce evidence in support of the charge he had made in his place in Parliament." In this notice the hon. Member seemed to complain of the conduct pursued by the Committee in refusing to allow him to be present at the examination of certain witnesses, although the hon. Member admitted in the course of these proceedings, that they could not admit him without the consent of the House. The hon. Member had disavowed, in the course of his speech, that which he had thought right to circulate through the House by the terms of his Motion. With respect to the statement which the hon. Member had made, he had no ground to complain of a word which had fallen from him. The hon. Member had fairly stated what had passed, but he thought that the hon. Member had not done justice to the reasons which compelled the Committee to exclude him. The Committee were very anxious to hear the evidence of which he was in possession. They knew that he himself could have had no personal knowledge of these affairs—that he must have derived the information which he possessed from others; but they also felt that it was competent for him to put any of them in the same position—they felt, too, that the House had refused to put the hon. Member upon the Committee, and that for them to admit him, to allow him to sit listening to all that was said—looking out for fresh evidence—observing where it was most needed, and from whence it could be most easily procured—for them to allow all this, was doing that which the House had refused to do—was, in effect, putting him upon the Committee, without the responsibility attaching to membership. That was the feeling which guided the Committee in refusing to entertain his request. They felt that they had no right to contravene a decision of this House, and to admit the hon. Member was virtually to nullify it. They all of them conceived that, after many days' patient investigation, they were quite capable of examining witnesses upon any point in the inquiry. The security of the witnesses would be as much cared for by them as it could be by him. They certainly would have been happy to have received further information; but at the same time they did not believe that any information which the hon. Gentleman might be able to give them was actually essential to the success of the inquiry. They, therefore, felt that they were not in any way defeating the object of the investigation by refusing to admit the hon. Member. The matter was now before the House for it to act as it thought best. If the House should think it right that the hon. Member should be admitted, they would be most happy to have the advantage of his assistance. They had the highest confidence in his honour, and if the House thought proper to admit him, investing him with all the responsibility of a Member of the Committee, none of them would have the slightest objection. The Report would ere long be on the Table, and the House would then see whether the subject had been fully investigated or not.

Mr. *Hume* was sorry that this question had been managed as it had been. It had thrown a great deal of scandal on the British Government abroad, and the present proceeding was likely to add to it. He was sorry he was not in the House when the Committee was appointed, or he should have opposed the omission of his hon. Friend's name. He believed in the annals of Parliament no similar instance would be found of a person coming forward as his hon. Friend had done, and giving himself all the trouble he had done, for which the country owed him a great deal, and his being refused to be allowed to attend the Committee appointed to investigate the subject of which he was so completely master. The Committee had only official men before them, and could know nothing of the persons who had given the information to his hon. Friend. The noble Lord said, his hon. Friend wanted to be aware of all the secrets of the Committee; but his hon. Friend never wanted to be a Member of the Committee, and he only wanted to be present during the examination of those witnesses who were to support those charges which he made on his own responsibility. His hon. Friend did not want to vote. He only wished to be present during the examination of the witnesses in support of the charges which he made on his own responsibility. What would be the result? Either the Committee would come to a resolution condemning the charge of his hon. Friend, without his being allowed an opportunity to substantiate them, or they would make a Report on other matters quite beside the real question. If the request of his hon. Friend was refused, he had no other alternative than to call his witnesses to the Bar of that House. The country would be satisfied with nothing short of that; and he must say that, in his opinion, to refuse his hon. Friend an opportunity of substantiating his charge, was to do him an act of injustice

Sir *R. Peel* was unwilling to throw any technical difficulty in the way of the Motion which the hon. Gentleman had made, although he thought he was justified, according to the rules of the House, in objecting to a Member of that House stating anything with respect to the proceedings of a Secret Committee. But he was unwilling to debar the hon. Gentleman the opportunity of making his statement. He was at a loss to understand the grounds upon which the hon. Gentleman had made the present Motion. The House would recollect the circumstances under which this Committee had been appointed. When the proposal first was made, almost unqualified satisfaction was expressed with respect to the formation of that Committee. He did not mean to say that it was universal, but the Committee was allowed to be appointed without previous notice. That Committee was composed of men well known for their impartiality and intelligence. In that Committee the majority of the Members were opposed to Her Majesty's Government. Four Members were in the habit of voting with Her Majesty's Government, and five with the opposition, and the whole of those five Members voted for the Motion of the hon. Gentleman for a Select Committee. That Committee had sat for several days, and he left it to every Member to judge whether Her Majesty's Government had withheld a single fact from the knowledge of the Committee bearing on the inquiry, and whether they had thrown the slightest obstacle in the way of the inquiry, or threw the slightest difficulty in the way of the examination of any person, whether under their control or not. Personally, the Government had no objection to the hon. Gentleman's being present, or being on the Committee; but he should feel it his duty to advise the House to adhere to that course on which they had always acted. The question was, whether the House repented the confidence it had placed in the Committee. He had explained to the hon. Gentleman, and he thought had satisfied him, that in adopting that course no disrespect was meant to him. He should oppose the addition of the hon. Gentleman's name to the Committee, on the ground that the House had already refused it, and he should equally resist the proposal that he be allowed to attend the investigation, as such a proceeding must imply a distrust in the capability of the Committee to conduct the inquiry, and their desire to pursue it in a searching manner, even into the secret office. As the parties accused, it was the first thing which he or the Secretary for the Home Department should have asked, to be present during the time the witnesses were under examination; but they trusted with confidence that the inquiry would be a searching one, and that justice would be done to all parties; and never thought of asking to hear the evidence given against us, and suggesting questions which we might consider necessary for our vindication. That was felt to be so just, that the hon. Gentleman acquiesced in the suggestion. But such a course would be a total departure from the usual practice on all such inquiries; but as he claimed no such privilege for the accused, he should resist both Motions —either that the hon. Gentleman should be present, or that he should be a Member of the Committee.

Mr. *Labouchere* said, it would be well for the House to recollect the principle they had adopted in the appointment of this Committee. They had departed from the usual precedents in forming Committees; for they had determined that they would have no lawyers on the Committee—that the accuser himself should not be present—and also that they would exclude from it all those who did hold or had held high office in Her Majesty's Council. He confessed, that at the time he thought this was a fair principle, but circumstances took place a short time afterwards which excited in his mind, and in the minds of many other Members, the greatest possible surprise. He found from the usual organs of information that a Committee on the same subject had been appointed by the House of Lords, which Committee was formed on a totally different principle to that suggested by the Ministers for the House of Commons. For on the Committee of the Lords were three ex-ministers, two of them being ex-chancellors, men, of course, accustomed to the most skilful mode of examination either for suppressing or for eliciting information. He owned he then regretted the vote by which the hon. Member for Finsbury was rejected; for he felt it was establishing a precedent for excluding any man from a Committee who was active and energetic in investigating the subject of it. He did not suppose the Government would labour under any anxiety as to the result; but he thought they had treated the House of Commons with something like disrespect. The present constitution of the Committee must have the appearance of a different principle being adopted in the Lords, because there was no one there in the situation of his hon. Friend, to be excluded. He hoped it would not be considered inconsistent with the duty of Ministers to give some explanation on this point. As to the Motion before the House, he thought his hon. Friend should either be put on the Committee or altogether excluded.

Sir *R. Peel* thought it would have been much more consistent with the duty of the right hon. Gentleman, if he felt any objection to the constitution of the Committee, that he should have stated that objection when the Committee was appointed. If the hon. Gentleman thought that there ought to have been two Members of the present Government on it, and two of the past, or that there ought to have been lawyers, it would have been easy for him to have made a Motion to that effect. He merely wished to answer a question which had been put; and in doing so, he thought he should have extended to him the courtesy generally observed. The *gravamen* of the charge was, that the Committee was so constituted in that House, as to exclude the accuser. Now, the Earl of Radnor stood in the same position in the other House, and with his own consent he was not placed on the Committee. It was not for them to discuss the principles on which the House of Lords chose to act. It was a decisive proof Government did not fear inquiry when they placed so eminent a lawyer as Lord Cottenham on the Committee of the other House. But if it was asserted that the different constitution of the Committee was for the purpose of excluding the hon. Gentleman (Mr. Duncombe), such an assertion was utterly without foundation. He had already given the *bonâ fide* reasons for his exclusion.

Mr. *V. Smith:* They had nothing to do with the constitution of the Committee of the House of Lords; but they had with that of the Commons. If the Government acted differently in the two Houses, they had a right to complain. But he begged the House to consider the view now taken by the Committee, as to the nature of the evidence to be adduced. They had not pressed the hon. Member for Finsbury to supply them with the information which he could adduce. [Lord *Sandon*: We did not ask him to give evidence.] Yes; but you did not put him in the box and say, "if you do not answer, we will report you to the House." It was totally contrary to precedent to appoint a Member to watch the proceedings of a Secret Committee, but it was not impossible to add the hon. Gentleman to the Committee. And as many circumstances came out which tended to alter his former opinion, he should now be inclined to vote that the hon. Gentleman should be put on the Committee. He had the most perfect confidence in the gentlemen appointed; but if he were on the Committee he should consider it no reproach to be assisted by one who had brought forward the charges, and stood pledged in the face of the country to prove them. Mr. Roebuck had made the most serious charges against Members of that House with respect to bribery at elections, and when a Committee was appointed to inquire into the subject, so far from the hon. and learned Gentleman being excluded, he was in the Chair. He hoped his hon. Friend would withdraw his Motion, and allow him to move that his hon. Friend be added to the Committee. The right hon. Gentleman accordingly moved that Mr. T. S. Duncombe be added to the Committee of Secrecy in the Post Office.

The *O'Conor Don:* It was not for him to say whether the hon. Member for Finsbury or any lawyers should have been originally placed on the Committee. The Committee offered to hear Mr. Duncombe, but he refused unless on certain conditions, with which the Committee could not comply. The right hon. Baronet appealed to the Members of the Committee to say whether Government withheld any information from them? The present and the late Government furnished all the information the Committee could possibly desire. He trusted that all opinions as to the extent of the inquiry would be postponed until the Committee had reported. The investigation was such as he thought would surprise his hon. Friend himself if on the Committee.

The *Speaker* stated, that a Motion was made on the 2nd of July, " That Thomas Slingsby Duncombe, Esq., be one other Member of the said Committee;" that that question was put, and negatived upon a division; that he considered it was contrary to the usage and practice of the House, that a question which had passed in the negative should be again proposed in the same Session.

Mr. *Hume*: But, Sir, may not a Motion be renewed under new circumstances?

The *Speaker:* The House having once come to a decision on a specific Motion, it cannot be renewed. When a proposition is made and negatived, the House cannot again entertain one to the same effect.

Mr. *Williams* thought it of the greatest importance that the public should be satisfied as to this proceeding. The Committee was composed of the friends of the late and present Governments, and he thought it most unwise to exclude the Member for Finsbury, if they meant that the inquiry should be satisfactory to the public.

Mr. *Strutt:* The Members of the Committee were in a peculiar situation, for their mouths were closed as to the evidence. The Members for Northampton and Montrose argued on the necessity of a complete inquiry, it being quite impossible for the Members of the Committee to admit or deny that the present deserved to be so described. They could only say what was the truth, that they had pursued the inquiry without regard to either party, and that the most ample evidence had been placed at their disposal. It would be a most inconvenient course to allow any hon. Gentleman to attend on the terms of the original Motion; and to add him to the Committee would be more unreasonable, inasmuch as a great part of the inquiry had already been proceeded with.

Mr. *V. Smith* withdrew his Motion.

Mr. *Duncombe* replied. The noble Lord (Lord Sandon) said it would be a slur on the Committee if he were allowed to watch its proceedings. It would be, in his opinion, a greater slur on them to have his name added as a member of that Committee. But then it was said, if he were allowed to be present it would be tantamount to his being a member. It might just as well be said that the counsel proving the preamble of a private Bill was in the position of a member of the Committee. It was unnecessary to go over every single thing that had occurred in the Committee. All he knew was, that the witnesses he wanted to call had not been called; and there had recently been, at the instance of the Government, a very searching inquiry in the Post-office, and almost a prosecution, to prevent information being given. That being so, he (Mr. T. Duncombe) was bound to protect his witnesses, and he had no hesitation in saying what he said to the Committee, that this business must be examined through all its different ramifications, from the letter carrier to the person who opened and resealed the letters, and committed the forgeries. They must carry it through all the different steps to satisfy the public, and he knew the noble Lord and the Committee had not done so. He begged to ask the Secretary for the Home Department if his letters had been examined or not since the right hon. Gentleman came into office. He said that, as a Member of that House, he had a right to ask that question. If any letters had been opened it was a gross insult to the Members whose correspondence had been violated. The right hon. Baronet could have no hesitation in saying whether his letters had been opened or not. If they had not been opened by the right hon. Baronet's authority, he said they had been opened by some other persons, and therefore, he said, it was doubly incumbent that an inquiry and investigation should take place. As his right hon. Friend the Member for Northampton had observed, either the Committee were wrong in not allowing him to examine witnesses, or he was wrong in refusing the list of witnesses which he had tendered. Any other Committee having power to send for persons, papers, and records, if witnesses refused to give evidence before it, might commit them for contempt. Why should they not exercise that power in this instance? He still declined to give the list, which he held in his hand, and he would not give it; but he was ready to go before the Committee of the House of Lords, and make the same proposal to substantiate all the charges he had made. He would give the Committee every facility with the witnesses in his presence, to investigate all the charges he had made. They had no right to say that he refused facilities for investigating the charges; he was ready to afford every facility, but some of his witnesses were subordinates in the Post-office, and they might lose their situations, unless he was present to protect them. He knew their evidence would certainly compromise the conduct of their superiors; and their superiors, if called before the Committee, of course would not be very ready to give evidence that would compromise their own conduct. He said, therefore, it was necessary that some one should be present who should be acquainted with the whole circumstances of the case. It was totally impossible that the Committee, with every respect for their talents and abilities, could investigate the matter thoroughly, unless the witnesses he should propose to the Committee were examined, and sufficient information was laid before them to come to a proper decision. He should certainly take the sense of the House on the subject. The noble Lord complained of the Notice he had placed on the Paper, as calculated to create a wrong impression as to the real circumstances at issue. He contended, that the notice was correctly worded, and what he complained of was the Committee refusing to allow him to produce evidence before them in support of the charges he had made in his place. The House must recollect that he was doubly the accuser, because he was compelled to repeat those charges before the Committee, and they were taken down and placed formally before it. Before he sat down, he would repeat the question which he had already put to the right hon. Baronet, whether, since he had been in office, he had authorised the opening of any of his letters.

Sir *J. Graham*: I must say there is no Gentleman in this House who is less accustomed, if I may use the expression, to vapour than the hon. Member for Finsbury; but, on the present occasion, he has put to me a question to which he knows it is not consistent with my own sense of duty to attempt an answer. I have already stated to the House, respectfully and firmly, that consistently with my sense of duty, and bound by the obligation by which I am bound—and I am the judge of that sense of duty—I cannot answer, and will not answer this question. On the other hand, when I moved for the appointment of the Committee to which this question has been submitted, I stated that, as far as I was concerned, with the consent of Her Majesty, the truth, the whole truth, and nothing but the truth, should be stated simply and without disguise by me on that Committee. In the utmost degree, and without reserve, I have fulfilled that pledge. I have been examined for three days before that Committee. My examination is not yet concluded; and I think the House—both sides of the House—will be of opinion that I am justified in positively refusing to answer the question.

Viscount *Sandon* wished to state that the Committee would be glad to receive any evidence which the hon. Member for Finsbury might offer; but the hon. Member would see that the Committee could not admit him without being authorised by the House. He believed the question was safe in the hands of the Committee.

The House divided on Mr. Duncombe's Motion:—Ayes 51; Noes 141: Majority 90

List of the AYES.

Aglionby, H. A.
Aldam, W.
Archbold, R.
Barnard, E. G.
Bellew, R. M.
Bowring, Dr.
Brotherton, J.
Busfeild, W.
Chapman, B.
Collett, J.
Denison, W. J.
Dennistoun, J.
Duncan, G.
Elphinstone, H.
Forster, M.
Gibson, T. M.
Gill, T.
Gore, hon. R.
Guest, Sir J.
Hastie, A.
Hawes, B.
Hill, Lord M.
Horsman, E.
Martin, J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Morrison, J.
Murphy, F. S.
Napier, Sir C.
O'Brien, J.
O'Connell, M. J.
O'Ferrall, R. M.
Oswald, J.
Pattison, J.
Pechell, Capt.
Plumridge, Capt.
Power, J.
Protheroe, E.
Ramsbottom, J.
Rawdon, Col.
Scott, R.
Sheil, rt. hn. R. L.
Somerville, Sir W. M.
Towneley, J.
Villiers, hon. C.
Wakley, T.
Wawn, J. T.

Williams, W.
Wyse, T.

TELLERS.
Duncombe, T.
Hume, J.

List of the Noes.

Acland, Sir T. D.
Adderley, C. B.
Ainsworth, P.
Allix, J. P.
Antrobus, E.
Archdall, Capt. M.
Ashley, Lord
Baillie, Col.
Baring, hon. W. B.
Baring, rt. hn. F.T.
Barneby, J.
Bateson, T.
Beckett, W.
Beresford, Major
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Bruce, Lord E.
Bruges, W. H. L.
Buckley, E.
Bunbury, T.
Burroughes, H. N.
Cardwell, E.
Cavendish, hn. C. C.
Chelsea, Visct.
Christopher, R. A.
Clive, Visct.
Clive, hon. R. H.
Cockburn, rt.hn.SirG.
Colborne, hn.W.N.R.
Cole, hon. H. A.
Collett, W. R.
Corry, rt. hon. H.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir H.
Douglas, Sir C. E.
Douglas, J. D. S.
East, J. B.
Eastnor, Visct.
Ebrington, Visct.
Egerton, W. T.
Eliot, Lord
Entwistle, W.
Escott, B.
Estcourt, T. G. B.
Farnham, E. B.
Feilden, W.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt.hn.SirT.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Gore, M.
Gore, W. O.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Greene, T.
Gregory, W. H.
Grogan, E.
Hamilton, C. J. B.
Hamilton, J. H.
Hamilton, Lord C.
Hardy, J.
Harris, hon. Capt.
Hayes, Sir E.
Heneage, G. H. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hogg, J. W.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Howick, Visct.
Irving, J.
Jermyn, Earl
Jocelyn, Visct.
Johnstone, Sir J.
Jones, Capt.
Knatchbull,rt.hn.Sir E
Lefroy, A.
Lennox, Lord A.
Lincoln, Earl of
Lockhart, W.
Lyall, G.
McGeachy, F. A.
Mackinnon, W. A.
Marsham, Visct.
Masterman, J.
Meynell, Capt.
Mildmay, H. St. J.
Morgan, O.
Neeld, J.
Newport, Visct.
Newry, Visct.
Nicholl, rt. hon. J.
O'Brien, A. S.
Packe, C. W.
Palmer, R.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Plumptre, J. P.
Pollington, Visct.
Powell, Col.
Praed, W. T.
Pringle, A.
Reid, Sir J. R.
Repton, G. W. J.
Richards, R.
Round, J.
Rushbrooke, Col.
Sheppard, T.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Smyth, Sir H.
Somerset, Lord G.
Spooner, R.
Stuart, Lord J.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Tennent, J. E.
Thesiger, Sir F.
Trench, Sir F. W.
Trotter, J.
Verner, Col.
Vernon, G. H.
Wodehouse, E.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H.

Unlawful Oaths (Ireland).] Lord *Eliot* moved that the Unlawful Oaths (Ireland) Bill be read a third time.

Mr. *M. O'Ferrall* was sorry that a Bill of such great importance, and that touched so materially on the liberty of the subject, should have advanced to its third reading, after having been four months before the House, without any Member of Her Majesty's Government stating any reason for the continuance of this Bill. There was a discussion on the Bill in Committee, but there was none on the principle of the Bill. Since he had had the honour of a seat in this House it had always been usual, when a Bill was introduced relating to the preservation of the public peace, or called for by circumstances of pressing public necessity, that it should be introduced by a statement from a Minister of the Crown, or the recommendation of a Committee. [*Cheers.*] He was quite aware of the nature of the suggestion which seemed to have been made by the noble Lord to his right hon. Friend. Probably the noble Lord alluded to the fact that when this Bill was introduced by the late Government, it was brought in without a statement being made. In order to remove any impression which that cheer might have made, he would just state that a Committee had been sitting four or five months in the House of Lords, before which evidence of the most important kind had been taken, and at the close of that Committee's sitting this Bill was introduced. With respect to that part of the case, he would postpone it, and endeavour to supply to the House the deficiency in Her Majesty's Government not stating to the House the circumstances under which they asked leave to renew the Bill. For upwards of eighty years, disturbances had existed in Ireland from combinations, and the administration of illegal oaths; they were mentioned by Arthur Young, in his account of the state of Ireland. In 1761, combinations had reached such a height, that the Irish Parliament passed a law authorizing magistrates to execute felons taken in disturbing the peace, without Trial by Jury, and the executions under the Act were so numerous, that it was repealed in the ensuing year. This evil existed for a long series of years afterwards, and the most stringent remedies were applied towards it; but what was the course adopted when such evils threatened in this country. At this very moment, there was a most singular and extraordinary combination existing in this country, by which large masses of property were put in jeopardy, and yet who had heard of any instance of Government coming down to ask for extraordinary powers to suppress it? And yet he had never heard the events to which he alluded mentioned by any Member for the counties concerned in them, without the strongest feeling being expressed for the sufferings of the peasantry, and the natural readiness being expressed to make sacrifices, by raising wages, and giving relief through improved administration of the Poor Laws. That had invariably been the course taken by the landed gentlemen of this country. There were no Insurrection Acts, no suspension of the Constitution, nor any of those extraordinary proceedings which were adopted in Ireland. It would not be denied that sufferings of an extraordinary nature had pressed upon the Irish peasantry. In all the trials and inquiries in which those combinations had been discussed and examined, it had never been asserted that they had any political bearing; they had been invariably traced to the pressure of great distress, and to ignorant efforts made on the part of the peasantry to relieve themselves by combination—never to any desire to render the public safety insecure, and thus to afford an excuse for those unconstitutional measures by which Government had vainly attempted to remedy them. He would shortly remind the House of the course of legislation which had been applied to this subject. The present Bill stated in its title that it was to continue certain Acts which were in force, so that unless Members knew what was the law at present, they could not know what the Government asked the House to do. By the 50th of George III., passed for the protection of magistrates, and the protection of witnesses, any Gentleman of that House making a geological tour in Ireland, and going about the country, might be arrested, examined as to his place of abode, and object in coming to the country, and if he did not give a satisfactory answer, the magistrate might require him to find bail, and in default commit him to prison. The only obligation the magistrate was under was to report the circumstance to the Lord Lieutenant, and send him a copy of the examination of the prisoner. This Act remained without alteration up to 1823, and yet, between 1810 and that year, Ireland continually suffered from the consequences of these combinations of illegal societies. In 1823, a period of great temporary pressure, when from the distress of the landed interest, employment for the labouring population was greatly diminished, the Act 4th George IV. was passed, giving power to magistrates, on the evidence of one witness, that a man had tendered an illegal oath, to fine him 20*l.*, or commit him to gaol for three months, or if the magistrate chose to proceed by indictment, to transport the prisoner for seven years. That Act was found amply sufficient from 1823 to 1830. Immediately after the change of Government in that year, very serious disturbances took place in Queen's County, and applications were repeatedly made to Lord Grey to bring in the Insurrection Act, which were in every instance refused. Much discontent ensued among the Irish gentry, and from that time to 1839 the Government was subjected to as serious and determined opposition as any Ministers ever experienced. Men, who ought to have been ashamed of the course they took, impeded that Government in every way they possibly could, and opposed by every means in their power the tranquillization of the country. He had no doubt, in fact, that those Gentlemen might have been indicted for a conspiracy to bring the Government into contempt, had the hon. and learned Gentleman (the Attorney General for Ireland) then been in office. What with meetings in Dublin and meetings in every county and considerable town in Ireland, of those opposed to the Government, at which the most violent language was used, it was as complete a conspiracy to bring law and Government into contempt as ever had been known or heard of. In 1839 a Committee on the state of Ireland was appointed in the House of Lords, and never was a Government subjected to a more sifting inquiry than was the Administration of Lord Mulgrave on that occasion. Persons of all stations, from the policeman up to the highest judge of the land, were called to impugn the acts of the Government. To such an extent was the spirit of hostility carried, that a paper sent confidentially to a judge was used by that judge as an accusation against the Government. He merely mentioned this as an instance of the extent to which party feeling was carried in these transactions. That which was laid to the charge of Lord Mulgrave's Government was that they had so neglected the maintenance of the public peace as to endanger the dissolution of the bonds of society in Ireland. Mr. Drummond was submitted to a most strict examination, and he proved, first, that the whole attention of Government had been long directed to putting down those societies; that in various places those societies had various objects, that there was no common communication between them, that in many places one illegal society was opposed to another, and in all cases it was clearly established that there was no political object in them. He was asked this question:—

> "Do you consider the law in its present state adequate to the suppression of these societies?"

The answer was:—

> "We have experienced the greatest dfficulty in acting on the information we have obtained, nor have we succeeded in bringing the outrages of Ribbonism to conviction; but I can hardly go the length of saying that the law is inadequate to the suppression of those societies."

In the next question he says that the Attorney General had drawn up various suggestions, which had been laid before Government, and were now under consideration, at the same time stating the great difficulty of framing any legislative measures strong enough to reach these societies, without being liable equally to be applied to any assembly of persons treating of public matters. The alarm expressed by many persons in the south of Ireland respecting these societies determined the Government of that day to introduce the Act 2nd and 3rd Victoria, by which were to be re-enacted the Acts 50th George III. and 4th George IV., and by one Clause of this Bill it was provided that every person who should, after the 1st of September, directly or indirectly, maintain correspondence and intercourse with such society, or with any division, president, secretary, delegate, or officer of such society, or use any of the signs or passports of such society, or knowingly have in his possession any copy, written or printed, of such society's rules, or of any communication, engagement, or declaration, purporting to be drawn by any society declared to be unlawful by the Act 4th Geo. IV., shall be proceeded against and punished according to the provisions of such Act, and if found guilty be held to be guilty of unlawful combination, and liable to the penalties visited upon it. By this Clause, in fact, the possession of any letter, or similar document, on an illegal subject, made the man as guilty as if he had committed an illegal act. It had been said that this law was introduced without explanation, but it underwent a long discussion in the other House of Parliament, and the Attorney General and Solicitor General of the Government expressed great doubt as to the expediency of granting such powers, and did not seem to wish to be entrusted with them. He thought that made some difference from the case now before the House. This law was passed in 1839, and applied by the Government at the three following assizes, convictions being had in every case, and many of the leaders in the combinations were transported. When the Government asked for powers of the kind which this law had given, he (Mr. M. O'Ferrall) thought they were bound to prove that they had exercised those powers with lenity and with justice, and that they could not carry on the public service without the continuance of this stringent enactment. He now told the noble Lord the Secretary for Ireland, that within his knowledge this law had been shamefully and improperly employed since the present Government had been in office. He admitted that this was a strong charge against the Government, but it was still stronger as against the noble Lord, because, when he contrasted the administration of this law with the spontaneous declarations that were made by the noble Lord on entering upon the Government of Ireland, when he contrasted the noble Lord's conduct with those declarations, he had a double right to complain of the acts which the noble Lord had allowed the agents of the Government to perform. The noble Lord could not deny that he knew of those acts having taken place, and that, after knowing them to have occurred in 1842, he permitted the same acts in 1843. He would now proceed to state to the House the facts upon which he made these charges, and he hoped the noble Lord would be able to refute them. They were believed in Ireland, and were believed by him (Mr. O'Ferrall), and he should be most happy if the noble Lord could give them a denial. The first case to which he would refer was a case prosecuted at Armagh, in July, 1843. Mr. Blackburne, the Attorney General prosecuted some men under the provisions of the Unlawful Oaths Act. The approver, on whose evidence a conviction took place, stated that he was arrested in 1843, and that, having offered to give certain information, at the expiration of a short period he was liberated from prison. He then went on to say, that subsequent to his liberation he had made Ribbonmen by hundreds, that he had attended Ribbon meetings, and had concocted with his own hand more than sixty documents; and, in answer to a question by the Attorney General, he stated that he acted under the directions of the magistrates, after his liberation from prison. Cox, a policeman, was next examined, who stated that he had attended a Ribbon Lodge in plain clothes, and that he had there met the prisoners; in fact, it appeared that he attended the Lodge solely for the purpose of corroborating the evidence of the approver. Mr. Whiteside, who was counsel for the prisoners, commented with just indignation on this abominable trial, and on the conduct of the Government for resorting to such practices. And what said Mr. Justice Crampton, who presided? That learned Judge said, that the conduct of the policeman, in attending the meeting in coloured clothes was very "uncommon conduct." He then went on to observe that Mr. Whiteside had made an accusation against the Government, which could not but be viewed as one of a most serious character. He admitted that the charge might have been made unintentionally, and out of the zeal which the learned counsel felt for his client; but he was sure that Mr. Whiteside would retract any insinuation that conveyed a charge against the Government. But what said Mr. Whiteside? "No my Lord, so far from retracting the accusations, I re-assert them." Judge Crampton then observed, that the approver's object was evidently to make criminals; in fact he admitted that on his cross-examination, and that the conduct of Cox the policeman, was much to be condemned. Had this been the only case of the sort, he would have been the last person to hold the noble Lord responsible; but when the attention of the noble Lord was called to this case, when it must have been reported to him that one of the most eminent counsel at the Irish bar had charged him and the Government with conduct so disgraceful, he thought it would be unworthy of the noble Lord if he did not cause a strict investigation to be made into all the circumstances, and give orders that prosecutions of this description should not take place in future, and that, above all, the system of employing spies, which was reprobated everywhere, and particularly so in this country should not be allowed. He could not say, whether or no the noble Lord was cognizant of the facts to which he had alluded. He should presume that he was not, because when his attention was called to a very minor case by the hon. Member for Louth, the noble Lord immediately directed that an inquiry should be instituted; which seemed to be evidence of the noble Lord's disapproval of the spy system. But, then, if he did not approve of that system, how came it that he permitted it to go on from 1842? Either he must have known and permitted it, or he had so far neglected his duty, that those who acted under him had issued directions upon the subject of which he was totally ignorant. The next case, and he would refer only to the strongest, was that of two men who were tried at Sligo, before Mr. Baron Richards, in 1843. They were prosecuted for having taken unlawful oaths, and the principal evidence against them was that of an approver, who admitted that he was in the pay of the police, from whom he had received 15*l.* So that here were a number of men employed by the Government, and acting in league with the police, for the purpose of inducing persons to enter into illegal combinations. If there existed at this moment any combination of the peasantry dangerous to the peace, and to life and property, and the Government could tender such evidence as was given before the Committee in 1829, they might come to the House and ask for an Act of Parliament for a limited time. In such case no man would be more willing than himself to entrust them with the necessary powers, nor should he refuse them the Bill, could he not justify that refusal on the grounds he had stated. There were various opinions as to modes and objects of Government; but he never held but one and that was that the law should be administered with fairness and vigour; but at the same time, so as to convince the people that the object of the Government was to deter from crime, rather than to inflict on them its consequences. He wished to see it administered in Ireland in the same spirit as it was administered in England. The Government in England would not dare to send spies among the people to induce them to commit crimes; and he, therefore, asked the noble Lord why this was permitted in Ireland? It might be said that he was a Member of the Government which passed this law, but it was not to the law he objected but to the abuse of it. It was not stated that the societies to prevent which the law was passed were still in existence, or that any danger was apprehended from them. It was well known that a most dangerous combination against property existed at the present moment in England—that a vast amount of property had been recently destroyed in Suffolk and Norfolk by incendiarism—yet no Act of this kind had been thought necessary for the safety of this country. He was one of those who believed the maintenance of the compact between the two countries was essential for the interests of both, yet if it were violated by acts of this kind, they would be reduced to defend it only on the ground of the impossibility of repealing it, and would do more to undermine the Union than any other agency that could be brought against it. He would, therefore, move, that the Bill be read a third time that day six months.

Lord *Eliot* said, he certainly did feel great surprise, at the charge which, at the outset of his speech, the right hon. Gentleman brought against the Government, and he had therefore evinced it by the cheer to which the hon. Gentleman had referred. It appeared, that though the Government were charged with acting disrespectfully to the House in not having stated the grounds on which they asked for the renewal of this Act, the original Act had been passed through the House by the Government of which the right hon. Gentleman was a Member, without the least explanation having been offered respecting it. The right hon. Gentleman said, that the discussion took place in that House because the Bill was founded on a Report of the House of Lords; but he referred to a debate in the other House on the subject. Now, he would call the attention of the hon. Gentleman to a passage in the speech of Lord Duncannon who introduced that Bill into the House of Lords, and explained the nature of its provisions, and the necessity there was for so stringent an enactment—so far from its being founded on the Report of a Committee, the noble Lord stated, that—

> "The subject had engaged the attention of the Government during the last year, and that they had proposed the Bill in consequence of information they had received respecting it. He then only alluded to that part of the Bill which related to the use of pass words, and he should be happy to meet the objection of the noble Lord opposite by inserting the words 'without lawful excuse.'"

The House would observe, therefore, that the Bill passed through the House of Commons without the slightest opposition, and that even the words "without lawful excuse" formed no part of the original Bill. Those words of limitation were inserted at the suggestion of Lord Ellenborough, a nobleman acting in concert with the present Government. Moreover, when Lord Normanby and the Ministry of that day were told they did nothing to prevent these illegal societies, until the Report of a Committee of the House of Lords forced upon them the adoption of this measure, the charge was indignantly repulsed. He found that Lord Normanby said,

> "The noble Lord opposite had taken credit for the Committee as having caused the Government to propose this Bill; but, in fact, it had engaged the attention of the Attorney General for a long time before he left Ireland; and that when that learned Gentleman was Solicitor General, he had stated to the House of Commons his intention to introduce such a Bill."

He (Lord Eliot) asked, therefore, what ground was there for the hon. Gentleman's statement, that this measure was forced upon the late Government by the evidence of a Committee; and whether the knowledge of these facts might not well excite astonishment in his mind, that the hon. Gentleman should charge the Government with not having explained their reasons for asking so limited an extension as one year for this Bill. With respect to the nature of the measure, the hon. Gentleman had fairly stated its provisions. Every man in the least acquainted with the history of Ireland for the last fifty or sixty years, must deplore the existence of secret societies, as one of the greatest curses of that country. It was for the hon. Gentleman, therefore, to show that the state of Ireland at this moment was such as to call for a relaxation of the existing law. The hon. Gentleman was placed in this dilemma. He must either admit that Ribbonism had decreased under this Act, and consequently, that it had been effective, or that it still prevailed—and consequently, that the Executive ought not to be deprived of the powers in this Bill. The hon. Gentleman said, these illegal associations were only to be found when the greatest distress prevailed amongst the people. This, however, could not be said of Leinster, or Ulster, and in Cork. He thought it would be found that these distressed districts were the parts of Ireland in which alone these societies did not exist. The hon. Gentleman should not attribute them to the distress of the country, but to the machinations of designing men, who endeavoured to induce the peasantry to join them for the worst of purposes. He believed, therefore, that no measure consistent with justice could be too strong to put down such combinations. The hon. Gentleman had quoted one or two cases, in which it appeared the approver was a man of bad character; but he asked the hon. Gentleman himself, how the existence of secret societies was to be discovered, except by means of approvers? It was quite clear they could not test the value of a man's evidence until he had been subjected to a searching cross-examination in a Court of Justice; and the hon. Gentleman appeared to forget that the evidence of an approver must be corroborated by that of other witnesses. [Mr. *M. O'Ferrall:* Not in one of these cases.] But that case had been visited with the displeasure of the Government, and the constable Olge, who had endeavoured to induce men to commit crime, had been dismissed, and was since committed to gaol for his illegal conduct. If this Act were not renewed, parties would be subject to the same penalties under the general Act against illegal combinations, and the evils so much deprecated would still exist—namely, the inducement to parties, for the sake of reward, to come forward and give testimony against their associates. The hon. Gentleman had attempted to draw a parallel between the cases of England and Ireland. But surely the incendiarism in Suffolk and Norfolk could not be compared with the secret societies which were the subject of this Bill. No new enactments were necessary to punish these crimes, if the perpetrators were detected—the law was already sufficiently stringent for that purpose. But if secret societies existed to the same extent in England as in Ireland, there would be no hesitation on the part of the Government to introduce a measure to put down such mischievous combinations. He thought he need not say more on this subject than to repeat the opinion he had distinctly expressed in the discussion in Committee, to which the hon. Gentleman had not adverted—namely, that the continuance of this measure, for a limited period, was absolutely necessary. In consequence of the objections of the hon. Gentleman, he had taken the opinion of those best qualified to judge on the subject, and had come to the conclusion, that it was the duty of the Government to press for the renewal of the measure in the shape that it lay on the Table. His impression was, that the right hon. Gentleman was as convinced as any man who now sat near him (Lord Eliot) of the necessity of continuing the measure in its present shape. The right hon. Gentleman, with a great deal of ingenuity, had called upon him to state what was the opinion of the right hon. Gentleman the late Attorney General for Ireland. He had stated what his impression was; and if the right hon. Gentleman had reason to believe that this impression was erroneous, then he must cease to rely upon the expressions of that right hon. Gentleman. He (Lord Eliot) believed, that the Government of 1839, of which the right hon. Gentleman the Member for Kildare formed a part, would not have introduced a measure which had been denounced as arbitrary, tyrannical, and unconstitutional, without due consideration, and without being convinced of its necessity. He was not aware that there was any alteration in the circumstances and present state of Ireland which would justify Her Majesty's Government in throwing aside that power which had been committed to their hands by a law introduced by the late Government. Whatever had been the difficulties of their position, or the crisis in which they had been placed, they had been content to rely upon the powers entrusted to them by their predecessors; but, at the same time, they did not think it consistent with their sense of duty to abandon or to relinquish any of those powers. Under these circumstances he should persevere in moving the third reading of the Bill.

Mr. *R. M. Bellew* believed that if the Government which originally introduced the Bill of 1839 had the carrying of it into execution, they would have acted in the true spirit of the intention of the Legislature; and therefore what had been said by the noble Lord as to the late Government having brought in the measure had little weight with him. He thought the propriety of the Bill when first introduced mainly depended upon who were to be the parties by whom it was to be administered. The subject of the administration of the law in Ireland had been under the consideration of the House in two or three different shapes during the present Session. It had been before the House in the case of the Special Jury Lists on the late State Trials, and although it might be said that that related to the question of the formation of juries, and not to the administration of illegal oaths, yet it was nevertheless a case as to the administration of justice; and when arguing as to the conduct of the Government with respect to the formation of juries, they might very fairly go on and argue as to how the Government would act in the prosecution of the present law. Within this very fortnight, by a return which had been made to the House of a list of the persons competent to serve as jurors in his district, it appeared that not less than 647 Catholics were qualified to serve, while the number of names on the panel was in one year only thirty-seven, and in another year forty-three. The Attorney General for Ireland had said, that he would watch with jealousy how this Bill would be put into practice, but when he considered the statements made by the right hon. and learned Gentleman in the early part of the Session, during the protracted debate on the state of Ireland, it induced him to be very cautious how he received the assurances of the right hon. and learned Gentleman. The statement was this:—

"He would give an instance of the way in which Gentlemen opposite had acted in the administration of justice when they were in power. A Gentleman named Pearce, a chief constable of police, of high character and respectability, was stationed in the town of Carrick-on-Suir, in Tipperary, when it happened that a quarrel arose between the men of a company of infantry who had just marched into the town, and some others who were already quartered there. One of these parties was joined by the townspeople, and a most formidable riot ensued, which finally compelled Mr. Pearce to order his picket to fire upon the rioters. The consequence was, that a boy named Slattery lost his life; Mr. Pearce was put on his trial for life at the ensuing Clonmell Assizes, where he (Mr. Smith) was present, and where the right hon. Member for Dungarvon prosecuted Mr. Pearce for murder. Now, what was the course pursued by that right hon. Gentleman when the life of a fellow-creature was at stake? He could prove that every thing he asserted was true, and could give the names if necessary. Well, how had the right hon. Member acted? Why, he had set aside on behalf of the Crown thirty-six jurors, and of the first thirty so set aside there were twenty-nine Protestants. That was an incontrovertible fact, and he threw it out for the serious consideration of the right hon. Member whether he could ever have laid down his head in peace if that Gentleman had been convinced by such a Jury? He stated facts correctly; he defied contradiction; and in a case where a prisoner had a right but to twenty challenges, the Crown, under the auspices of the right hon. Member for Dungarvon, had struck off thirty-six persons, of whom twenty-nine were Protestants. And these were the parties who considered themselves justified in telling him that he durst not strike off any person from a Special Jury List; or as, indeed, that extraordinary assertion had been now qualified, 'unless a sufficient cause was shown.'"

Now, what was the fact? The mere letter of the statement was true, but the spirit of it was not true. The object, on that occasion, was to secure an impartial jury; and how was the Jury composed? There were seven Catholics and five Protestants. Then there was the case of the State Trials, with respect to the Jury Lists, which had not been explained to this day. It was extraordinary that all these unlucky accidents should have occurred under the present Government, and which never occured under the last. But it must be borne in mind that the magistrates, especially of Ireland, were not educated to the law, as in other countries, and therefore they, in reality, were not held responsible for their mistakes. If they made blunders, they were generally borne harmless. The Government generally seemed to deal leniently with them in their misdoings. Again, in Ireland, public opinion did not act so strongly upon the conduct of the magistrates as in this country. If in this country any partiality should appear to be shown in the administration of justice; it was immediately made the subject of public animadversion. In the case of Mr. Kenrick, a magistrate who was accused of having acted oppressively against a poor man, an inquiry was instituted, on the Motion of the present Lord Denman, by the House of Commons, and the offending party was punished. Again, in the case of some oppressive act committed by Lord Grantley against a certain cottager named Hunter, not only was legal redress given, but the *Times* newspaper teemed with remarks in a sense calculated to show that the power of public opinion was sufficient to correct the misconduct of magistrates in this country. But what was the case in Ireland? Often it happened that a prisoner was brought before a tribunal which was opposed to him both in religious and political feeling. His jury was perhaps selected by a partisan Sheriff, and he was tried by a Judge who might already have pronounced an opinion that he was not to be believed on his oath. More than one Judge in Ireland had expressed such an opinion. Therefore it was necessary to be more cautious in regard to the power given to the officer of the Crown in Ireland, inasmuch as there was not the same force of public opinion in that country to correct any hardship in the administration of the law as there existed in this. They (the Irish Members) had been told by their constituents that they had no business to be in that House. He and his hon. Friends (the Members for Ireland) had given the best consideration they could to that opinion, and they felt that they ought to be present and discharge their duty to the extent of their ability. But he was fully sensible that every day's experience showed that their influence was waning, and each succeeding effort on their part deprived them of the ardour with which they would act could they entertain a hope that the House would incline to measures favourable to their country. It was true that the present measure was not of any very great magnitude, but it was one which showed the tendency and views of Her Majesty's Government. Small as would be the concession if the Bill were abandoned, still it would be a matter calculated to give satisfaction to the people of Ireland. It did appear to him that, with regard to illegal associations, there never was a time when such a Bill as this was less required. Such was his sincere opinion, and he therefore hoped Her Majesty's Government would not press the measure.

Mr. *Sheil* said, that he was sorry that his hon. Friend (Mr. Bellew) should have made reference to what had been said in a former debate respecting circumstances which had occurred fifteen years before. His (Mr. Sheil's) great objection to this Bill was, that it furnished to informers an opportunity to carry on their vocation, which, but for this Bill, they would have no means of doing. Up to the year 1839 this Bill was not found to be necessary; but in that year the late Attorney General for Ireland brought the measure forward, and it was passed into a law. The Tories select the Whigs as a pattern and as an example: if the Whigs have ever proposed an arbitrary measure, they are chosen as a model, while their liberal legislation, is pointed at only as an example to deter from imitation. The Bill introduced by the Whigs in 1839 was only enacted for a period of five years. Those five years had expired. The noble Lord had said that this Bill was either necessary in order to suppress illegal associations, if they existed, or to prevent such associations from again arising if they did not at present exist. This was re-enacting the part of the *Physician* in the "*Malade Imaginaire*," who said that if the dose had not operated it should be repeated, that it might be more efficacious; and that if it had operated, it should be repeated in order to keep the patient in good health. But the great objection to the Bill was, that it furnished opportunities for the employment of informers and spies. When the right hon. Gentleman the Member for Clonmel (Mr. Pigot) brought in this Bill, he said it was a measure which was certainly liable to abuse; but the cases which had been adverted to by the hon. Member for Kildare had established beyond dispute that the Bill was not only liable to abuse, but that it had been productive of abuse of a most signal kind. It was actually remarkable that the noble Lord, the Secretary for Ireland, should not have adverted to the case which occurred in the county of Armagh in 1842. He (Mr.

Sheil) did not think it necessary to enter into details, but it strongly tended to illustrate the abuses to which this law was liable. In that case, after information had been given by a man named Fagan to the police, he was sent back amongst the people to act as if in concert with them; and this was done by the cognizance of men in authority, although not of the Government; he (Mr. Sheil) did not think they would wilfully direct that such a plague spotted villain as Fagan should be sent to seduce the people into the commission of crime, in order that they might become his victims. This informer had been employed by persons in authority to act as a seducer of the people into the commission of crime. This was proved. [The *Attorney General for Ireland:* It was merely a report.] The right hon. Gentleman said that it was merely a report; but surely the right hon. Gentleman could not doubt that the whole of the case was accurately reported. [Lord *Eliot:* The man Fagan was dismissed.] He was dismissed. Of course the moment the Government found out what was the conduct of Fagan they dismissed him; but how often it must happen that such atrocities must continue undiscovered? They knew that Ireland was fruitful of informers, and knew, furthermore, that there was a tendency on the part of the police force to resort to such expedients. It might be answered that there was no such tendency; but had they forgotten that in the town of Kilkenny a person high in the constabulary employed a policeman to go to a printer to induce him to print a placard, in order that he might prefer a charge against him, after he had complied with his request? While they had this knowledge of the tendency of the police authorities was it a wise thing to insist upon such a power as this? What was it they were doing? They were by this Bill making that a crime which ought to be only the evidence of crime. Before the year 1839 the finding a document in the possession of a person accused was not in itself a crime; but it was evidence of a crime, to be taken into consideration by the jury. But by this Bill the moment a person was found with a document of this kind in his possession, that instant he was guilty of a crime, not by the common law, but by this statute. They ought to be very wary of enacting a statute which they knew to be at variance with the principles of the Constitution. They never, in this country, had had recourse to an Act of Parliament which opened the door so widely to nefarious practices as this Bill would do. Let the two countries be put upon perfect equality; let them have the same laws, administered in the same spirit.

Mr. *T. B. C. Smith* (Attorney General for Ireland) said, the hon. Member for Louth had acted unfairly and unjustly in having brought under the consideration of the House a matter which had been discussed a few evenings ago, and also at an early period of the Session. He had not spoken the other evening on the question, because he expected the debate would have been continued by some legal person on the other side of the House, to whom he could have replied. He was prepared to speak on Monday, and would have spoken had any legal Gentleman on the other side addressed the House on the law of the case. He put it to the House whether it was fair or just to refer to the subject this evening. Now, with reference to the Bill under discussion. He thought the right hon. Gentleman had unfairly confounded the characters of the spy and the informer, which were widely distinct from each other. And although a Government could not hope to prosecute to conviction a member of a secret society without making use of an informer, he would for himself tell the House he was the last person who would advise the Government to make use of a spy. It was not his the (Attorney General's) wish to justify any improper proceeding on the part of the police or of informers; and he would now distinctly state that if, after a man had given information to the police, he was sent back among the people to entrap persons into the commission of crime, there was not a person in the House more ready than himself to denounce such conduct as most unwarrantable and most unjustifiable, and he would most distinctly say that the law officers of the Crown ought not to use any such information. But the case of an informer was altogether different. The hon. Member for Kildare had adverted to a case in the county of Monaghan, in which he stated that a spy was employed. He (the Attorney General) did not think that any spy was employed in that case. The Judges in Ireland had put a strict construction upon this act. They did not think that if passwords were found in the pockets of individuals, purporting to be passwords of Ribbon Societies, that alone was sufficient evidence of their being such in fact. This being the construction of the law, it was obvious that the Crown could prosecute no person whatsoever without examining an informer who could prove that the passwords found on the individual were the passwords of some illegal society. Lord Plunket, when Attorney General for Ireland, in opening a prosecution against certain parties for a conspiracy, admitted that it was impossible to sustain a prosecution of that description without availing themselves of the evidence of informers. This occurred before the 2nd and 3rd of Victoria; but there had been a prosecution conducted since that Statute by the right hon. and learned Member for Clonmel (Mr. Pigot) who introduced this very Bill into Parliament. The case was that of the Queen against Jones, tried in 1840. On that occasion the right hon. and learned Gentleman pointed out the difficulties of prosecuting under the 50th George III., and the 4th George IV., and stated that it was necessary in order to attain the ends of justice to have the evidence of an accomplice. The right hon. and learned Gentleman here referred to the evidence taken on that occasion with a view to show that in the opinion of the late Attorney General for Ireland (Mr. Pigot) it was absolutely necessary for the Crown to avail themselves of the evidence from informers, whatever might be the character of the persons giving that evidence. He (Mr. T. B. C. Smith) would give the House a specimen of the informers produced by his right hon. Friend (Mr. Pigot) in the case of a man—one of the most depraved individuals, perhaps, ever examined in a court of justice—who was called as a witness in the case of "The Queen *v.* Jones." This abandoned villain, by name Edward Kennedy, admitted on cross-examination that he had been a Member of the same Secret Society as the prisoner, but had dropped it for two or three years, and then joined it again. He stated he was a man that had a quiet conscience, though he recollected the murder of Gahan, and that he dogged him to the scene of his murder. Though so long in the society he could not tell what were its objects. That in the affair of Rooney's murder, in the County of Kildare, he recollected he was walking on the canal, when it happened about two miles off, perhaps; only taking a walk, he supposed. When asked, "Upon your oath were you not in the plot to murder this man?" he made no answer. "What sort of a weapon had the man who you say you saw, and afterwards killed him?" The witness said that he could not remember, in fact, he was full two miles off when Rooney was "slated." Every part of this cross-examination went thoroughly to establish the inference that he was present, if not the actor in the murder. He had gone thus far into this frightful history of the man, in order to show how little delicacy there was as to the sort of agent, or accomplice, employed by the late Government, when they wanted to obtain, very conscientiously in their own opinion, no doubt, a conviction of a participator in such secret societies, whatever they affected to think now. No person entertained a stronger opinion than he did against the employment of persons properly called spies; the testimony of a man who had endeavoured to entrap others into the commission of crime ought not to be received; but it was quite impossible to arrive at evidence respecting secret societies without the aid of accomplices. He admitted at once that the provisions of the Bill ought to be enforced cautiously, especially as regarded Ribbonmen. With reference to what had fallen from an hon. Member, he must say that the late Attorney General was incapable of being a party to the conviction of an innocent man. With regard to the case referred to, viz., that of Ogle, the policeman, he maintained that Ogle would have convicted under the 5th George III., even if this Act had not been allowed to expire. The Monaghan case had been alluded to; but he was not conversant with the particulars of that case. He was not aware whether the man was convicted [Mr. *Sheil*: He was.] Now, with regard to this Bill, in 1839 it passed through all its stages without giving rise to any observations or objections from any hon. Member opposite, and therefore he trusted that the hon. Member would withdraw his Amendment, and consent to the third Reading of the Bill.

The *O'Connor Don* trusted, that in future the Irish Government would be disposed to repudiate information derived from such polluted sources as spies and informers. It generally happened that parties who had been informers were continued as spies, and employed themselves in circulating sedition among the people in order to make their occupation seem necessary. In the case of an informer of the name of Kane, in Sligo, he had sworn that he lived solely by labour, but when hard pressed, on cross-examination, he had admitted that he had at various times received sums of money from the police, and finally that he was entirely supported by that body. The Crown lawyers were so ashamed of their witness that they abandoned the prosecution in disgust; yet two persons had been previously transported upon the evidence of the very same man. Another case had occurred in Roscommon, when the rev. Mr. Day was shot at; and it turned out that the man who fired had been an informer, and probably wished, in this instance, to charge some innocent parties with a view to establish his own value and importance. He was not at all disposed to withhold any unnecessary power from the Government, but he wished to impress upon the House that the life of the poorest man ought to be as dear to his country as that of the richest. If greater facilities were given to assail the life of a poor man than a rich one, he would not entrust them to one party or to the other—neither to Whig nor to Tory. Certainly nothing could be more easy than for pass words to be put designedly into a man's pocket, and for him subsequently to be convicted for having them in his possession.

Sir *R. Peel* would be very sorry if any misconstruction were to go forth as to the opinions and principles of Government on the subject of the employment of spies and informers. He believed that there was really no difference of opinion upon either side; but in this country, as well as in Ireland, to reject entirely the evidence of informers would sometimes defeat the ends of justice. During his long official connection with Ireland some aggravated cases of murder had occurred, in which the evidence had been chiefly derived from accomplices; he remembered one in particular, the murder of Mr. Baker, where a reward was offered to any party who would give information, but the man who actually fired the shot. An accomplice came forward, who had not indeed fired the shot, but concocted the whole scheme, and who gave evidence against five others, who were convicted. That witness was paid 2,000*l.* for his treachery, and he actually instituted, or threatened proceedings against the Government for not giving him 4,000*l.* As to spies, if any Government employed a man in order that he might invite persons to commit crimes by entering into secret societies or otherwise, all he could say was, that the Members of that Government deserved to be exposed to as severe a punishment as the parties whose conviction they had endeavoured to obtain. Nothing could be more dangerous or digraceful, or more calculated to weaken the arm of justice. In the case of informers, he was most ready to allow that the utmost caution ought to be observed; after an informer had thus recommended himself, there had certainly existed, a disposition to continue him in employment. The man, of course, wished to make himself of importance, and to show his value, and it was necessary, therefore, for Government always to be on its guard against false information. These were the principles on which Ministers meant to act, and all subordinate police agents in Ireland ought to know that they never would for a moment countenance any attempts to incite to crime. If the police encouraged such attempts, they would never meet with support from persons in authority. This determination could not be too strongly stated, and upon it his noble Friend (Lord Eliot) would constantly act. Government reprobated most strongly the employment of spies, of persons performing analogous functions. All that was now proposed was, the continuance of this Act for another year, and Ministers admitted the necessity of closely watching the administration of the law. When the possession of certain pass words or insignia was made a crime, it was impossible to be too careful. In the interval between the present time and the expiration of the Bill upon the Table, the subject would undergo most serious consideration, with a view to the adoption of measures of additional caution. While the law remained in force, he assured the House, that nothing which vigilance could accomplish should be omitted. He was always sorry when Government felt called upon to come forward to continue an Act of this kind; and he was sorry, too, when hon. Gentlemen opposite held up others as enemies of the liberties of Ireland, and as taking a course injurious to the maintenance of the connection between the two countries, merely because they followed an example that had been set them. What were the facts? The predecessors of the present Ministers had brought in the present Bill; and when they were at any time charged with indifference to the peace of Ireland, the late Government said, "Look at the Act we passed against unlawful oaths." When it was stated, in reply, that it had been introduced in consequence of the Report of a Committee of the House of Lords, they repelled the imputation indignantly, and maintained that it had long been in contemplation — that it was their own spontaneous act, and they, therefore, claimed all the credit due for the measure. Well, they got the credit of it; it remained in force for five years, and now the present Ministers proposed to continue it for one year more. What was the consequence? A number of flaming patriots started up on the other side of the House, and charged Ministers with tyranny and oppression towards Ireland. Under these circumstances it became necessary that the truth should be known; and the truth was, that in 1839 this very Bill was permitted to pass through the House of Commons without a single word from a single soul. He held in his hand the Parliamentary record of the proceeding, and he there found it in the smallest print, and without the name of a Member who took the slightest interest in it; the Unlawful Oaths Bill was brought in, read a first and second time, committed, reported, and read a third time and passed, without any observation; and even the name of the measure was only to be found by consulting the index to the volume. Not one of the hon. Members opposite, now so warm and indignant, took the trouble to make the slightest remonstrance or objection. It was not to be forgotten, also, that when the Bill was originally under discussion in the House of Commons the words "having lawful excuse," which exempted the party accused, were not in the Clause; they were introduced at the instance of a Member of the Conservative administration. Observing the opportunity offered for inserting a precaution against the punishment of an innocent party, that Conservative Member had proposed an Amendment which had never occurred to the framers and promoters of the measure. If there were any mitigation in the Bill, any security against punishing the innocent, it was entirely owing to one who had been a Member of the Conservative Government. This was the second time an occurrence of the kind had happened, for the Irish Arms Bill was allowed to pass without observation when it was brought forward by the late Government. Ministers now recommended the continuance of the Unlawful Oaths Act, and, after credit for its original introduction had been claimed by their predecessors, hon. Members suddenly stood forward as the champions of Ireland, and insisted that it was an intolerable act of injustice to that country, and that the present Ministers only were responsible for it. This course might seem fair as a matter of party warfare, but it was neither fair nor wise to add to the prevailing excitement in Ireland, by imputing intentions which those who now opposed the Bill could hardly be serious in supposing were entertained. Two hon. Members, in somewhat pathetic terms, had adverted to their own situations, and no one could give them more credit than he did for risking the attempt to stem the torrent of Repeal; but when they made their forcible appeal they ought to be reminded of their entire silence when the Bill was brought forward in 1839. He entreated them to remember, that precisely the same objections then existed as at present, and that then they were unhesitating supporters of the measure. He admitted, without reserve, that the great object of statesmen ought to be, to render the criminal law of England and Ireland substantially the same. Whenever any distinction was made, a valid reason ought to be offered for it. What he complained of was, of an attempt to raise what he considered an unjust clamour against the present Ministers for taking a course which was just as open to objection when it was adopted by the late Ministers, but to which not the slightest objection was made. He would only repeat that in the interval all the provisions of the Bill should receive most serious consideration, and that no vigilance should be spared in order to prevent the occurrence of abuse.

Mr. *Morgan J. O'Connell* observed that those who now resisted the further progress of the Bill did so upon distinct evidence that its provisions had been abused; and if he thought the caution of Government would prevent it in future, he for one would not divide against the third reading. He trusted that the substance of what the right hon. Baronet had said would be conveyed to the police in positive instructions, for he feared that there were not a few Ogles among the constables. He would support any measure for putting an end to secret societies; and after the excellent speech of the right hon. Baronet, perhaps it would be better not to divide.

Lord *Eliot* explained that it was the most anxious wish of the Ministers so to modify the Bill as to make it as unobjectionable as possible.

Mr. *Ross* adverted to the successful efforts made by the Roman Catholic priesthood to put an end to secret societies, and expressed his belief that on this account the measure was not necessary.

Dr. *Bowring* felt much gratified by the speech of the right hon. Baronet, who had given so benevolent an interpretation to the Bill. He trusted that in future both sides would agree that legislation for Ireland should be of a different character to that which had emanated from all parties when in power.

Mr. *M. O'Ferrall* was quite satisfied with what had been said by the right hon. Baronet, and apprehended that his speech would be more effectual than any division. He suggested that the punishment should be changed from transportation to imprisonment, in order that if it turned out that a convicted party were really innocent, he might be discharged.

Sir *R. Peel* promised that no pains should be spared to sift every case, and urged that the punishment of transportation would afford an additional motive for caution.

Amendment withdrawn. Bill read a third time and passed.

POOR-LAW.] House again went into Committee on the Poor Law Amendment Bill.

On Clause 62, enabling Courts of Quarter Sessions to order the payment of money due by Board of Guardians,

Mr. *R. Scott* said, the Clause gave a most extraordinary power to the justices in Quarter Sessions—namely, to decide actions usually tried at Nisi Prius before the Judges and Jury, and involving it might be the most difficult questions of law, and damages to the amount of several hundreds of pounds, without any of the facilities afforded by the pleading used in Courts of Law. He looked on this as the first attempt to transfer to justices at Quarter Sessions the proper business of the Judges of Assize, and he hoped the House would not consent thus to supersede the best rights and privileges of the subject. It was monstrous to enable these Justices in Quarter Sessions, all of whom were *ex officio* guardians, to decide questions in which they must, as such, have some concern.

Mr. *Darby* observed there was to be not only no jury, but no appeal as the Clause stood. He trusted the right hon. Baronet would reconsider the matter.

Sir *J. Graham* admitted the enactment was an unusual one, and because unusual therefore in some degree objectionable; but the fact was, that at the present moment the creditors of boards and guardians were exposed to undue and unjust inconvenience in recovering money due to them. The first question was, whom were they to sue, the guardians not being personally responsible. Then, if they obtained judgment, there was no property except the workhouse on which they could levy. There was no mode of attaching the persons of the guardians. It was to meet these inconveniences that this Clause had been framed. If ever local courts, with summary powers for the recovery of debts should be established, this would be a very proper class of cases to be put under their jurisdiction. On the whole, he was not prepared to press the Clause at present.

Clause postponed.

On Clause 65, that conveyances, &c. for workhouses should be good though not enrolled,

Captain *Pechell* said, on a previous Clause he had ventured to submit to the right hon. Baronet the great inconvenience to which persons who were desirous of seeing their relatives in workhouses were subjected, in order to get admittance, and he had mentioned the case of a woman who was anxious to see a female relative in a workhouse who was near her confinement, but, upon application to the governor of the workhouse, had been refused. He wished to know whether the right hon. Baronet would consent to put an end to these complaints. He had also mentioned to the right hon. Baronet the objection that was felt by paupers generally to be employed in grinding bones in workhouses. The right hon. Baronet had stated his disapproval of such practices in union workhouses. He (Captain Pechell) had since understood that several hon. Members were not aware of this statement of the right hon. Baronet's, and he trusted, therefore, that he would now state what were his sentiments on the subject.

Sir *J. Graham* said, that with respect to the admission of the relatives of persons in workhouses, he could only say, that with every desire to superintend, so far as by law he was authorized, the working of the Poor Law, it was impossible for him, consistently with his other duties, to attend to each of these minute regulations. The power of arranging these matters was vested in the guardians, subject to the control of the Commissioners; and he was persuaded that in every well regulated workhouse such admissions would be granted. With respect to bone mills in workhouses, as he did last year, so he did now, and in future should, express his dislike of this method of employing paupers, which he did not think was suitable to a workhouse.

Clause agreed to, as were the remaining Clauses. Several Clauses were added to the Bill.

Mr. *R. Scott* said, there was a source of great injustice in many counties, which he was desirous of removing. At present, wherever there were parishes, consisting of many townships, it was in the power of any one township to separate from the rest, and provide within itself for the maintenance of its own poor. Under the present Bill it was proposed that this power should be taken away; but within a few years several townships had thus separated from the rest of the parishes to which they belonged, in order to relieve themselves from the payment of a heavier rate than they would have to pay if they provided for their own poor. By a recent decision of the Court of Queen's Bench the object these townships had in view of relieving themselves from the payment of rates had been carried still further, and it was now the law that whenever a township has separated, no pauper formerly settled in that township can be removed back to that township, unless he had again gained a settlement since the separation. The case of "The Queen *v.* the Inhabitants of Clifton," decided that point, but upon considerations entirely technical, and not meeting the justice of the case. It was very hard on the rest of the parish, and especially that part of it in which the union workhouse was situate, to say that the paupers in the workhouse belonging to a township which had separated for its own benefit should be irremovable from that part of the parish in which the workhouse stood; but, if it were enacted, as he proposed, that such townships should still be liable to maintain their own poor, justice would be done. The hon. and learned Gentleman moved the following Clause to follow Clause 21:

"Provided always, and be it further enacted, that wherever overseers shall have for the first time been separately appointed for any township or village, since the 14th day of August, A.D. 1834, all persons who, in case such township or village had been a township or village maintaining its own poor from time immemorial, would have been legally settled in such township or village, shall be considered to have their place of settlement in such township or village notwithstanding, at the occurrence of the circumstances conferring any such right of settlement, such township or village was united with a larger district for the maintenance of the poor; and every such person shall or may be removed to such township or village, as to his or her place of last legal settlement."

Sir *J. Graham* said, that the point which the hon. Member stated was strictly technical, and one which presented considerable difficulties. He could not off-hand undertake to judge of the precise effect of the words which the hon. Member proposed to add to the Bill; he, therefore, was not quite clear that they would remedy the evil of which the hon. Member complained. But this, at all events, he must be allowed to say, that the cases for which it was now proposed to make provision were by no means of frequent occurrence, and he feared that the proposed change would give rise to more litigation than its author anticipated; he thought, it would, therefore, be much better to leave the Bill as it now stood. When parties lost their settlement and were in a destitute condition they must be relieved as casual poor; it was clear, then, that the Bill now before the House would not damnify them. The parishes must provide for such poor. The evil complained of was not wide spread, and he hoped that for the sake of providing a remedy the House would not agree to such a piece of complex legislation.

Mr. *R. Scott* replied, that in the part of the country with which he was connected there had occurred, within his own knowledge, as many as thirty or forty cases such as he had described. The Clause which he proposed was in conformty with the existing state of the law, and he conceived that there would be no great difficulty in remedying the evil without increasing or complicating legislation.

Sir *J. Graham* observed, that it was often very difficult to ascertain an absolute right of settlement, but it would be doubly difficult to do so with regard to a hypothetical right, such as it was now proposed to create. If the hon. and learned Member would confer with him in private, they might come to an arrangement probably satisfactory to both, and if it proved otherwise there would be an opportunity for the hon. and learned Member to propose the addition of his Clause on bringing up the Report.

Clause withdrawn.

Mr. *Yorke* said, that in the Act for Abolishing Slavery in the West Indies, it was provided that apprentice labourers should not be separated from their wives, their parents, their children, or from any persons reputed to stand towards them in that relation. That Act declared, that notwithstanding transfers to be made of negro apprentices, they were not to be separated from their wives or even from their concubines. Then he would ask, in this Christian civilized country, were Englishmen to be separated from their lawful wives. He did not bring forward, with any view to popularity, a plan which he believed to be impracticable; on the contrary, it was not only practicable, but, in its tendency, highly moral. The Parliament of this country professed to found their legislation upon Christian principles, and to take the Bible for their rule: with what consistency, then, could they refuse to agree to the Motion which he proposed, and which was,—

> "And be it further Enacted, that the Commissioners shall not be empowered to enforce indiscriminate separation between man and wife, and that in no instance shall they sanction or allow separation when the application for relief shall be substantiated as arising from positive inability to obtain work, or from physical infirmity, and not from idleness, vice, or crime."

Clause brought up and read a first time.

On the question that it be read a second time,

Sir *J. Graham* assured the hon. Gentleman that he had no disposition to treat lightly the proposition which the hon. Member had just made, but it did appear to him that the phraseology adopted by the hon. Gentleman was by no means calculated to effect the object which he had in view, nor did he think that a Clause so framed ought to be added to the Bill. The proposed Clause went to prohibit indiscriminate separation. There might be indiscriminate connexion, but he objected to the introduction of such a phrase into the Bill as indiscriminate separation. The Clause, however, was altogether unnecessary. The practice of separating aged men from their wives was not pursued, and infirm or aged females were allowed to occupy the same sleeping apartments as their husbands wherever the workhouse admitted of that accommodation. Orders were given (wherever special reasons were assigned) to depart from the rule laid down in Article 9 in all cases of married paupers. He begged further to add, that what the hon. Member sought to accomplish had already been effected in a much more unexceptionable manner than by the mode that he proposed. How, for example, would it be possible for the Commissioners sitting in Somerset House to determine whether a couple of paupers in Northumberland were idle and vicious, or the contrary? A discretionary power in such cases must be vested in parties on the spot; for they alone could safely determine such a question.

Mr. *Yorke* would willingly give up to the matter of phraseology, provided the right hon. Baronet gave up the principle. That which he sought to effect was, to take from the Commissioners the power of separating man and wife. He wished to transfer that power to the guardians, and let them exercise the power of separation in all cases of paupers who had shown themselves to be reckless and dissolute members of society. It was well known that many paupers had been separated from their wives through no fault of their own. He should, therefore, take the sense of the House upon the Clause which he had proposed.

Mr. *Darby* hoped that the hon. Member would not take the sense of the House on the question, and, if he should, it was to be hoped that the House would not agree to the proposition for this amongst other reasons—that it was by no means desirable to impose on the guardians the duty of deciding upon the characters of those who applied at the workhouses for relief, and that undoubtedly would be the effect of such an addition to the Bill as the hon. Gentleman now proposed. Why should guardians possess the power of punishing any class of paupers?

Mr. *Yorke* could not avoid noticing the altered tone which now prevailed with respect to this Clause, as compared with the reception which it met with on a former occasion. He was sorry to give the House the trouble of dividing; but a sense of duty rendered it impossible for him to do otherwise.

The Committee divided on the question that the Clause be read a second time :—Ayes 6; Noes 96: Majority 90.

List of the AYES.

Berkeley, hon. C.
Colborne, hn.W.N.R.
Colvile, C. R.
Dodd, G.
Duff, J.
Morris, D,

TELLERS.

Yorke, H. R.
Pechell, Capt.

List of the NOES.

A'Court, Capt.
Aldam, W.
Allix, J. P.
Astell, W.
Baring, hon. W. B.
Bodkin, W. H.
Boldero, H. G.
Bowring, Dr.
Bramston, T. W,
Brisco, M.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Burroughes, H. N.
Cavendish, hon. G. H.
Childers, J. W.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Dickinson, F. H.
Duncan, G.
Egerton, W. T.
Esmonde, Sir T.
Estcourt, T. G. B.
Farnham, E. B.
Fitzroy, hon. H.
Forbes, W.
Forman, T. S.
Forster, M.
Fremantle, rt.hn.SirT.
Fuller, A. E.
Gaskell, J. Milnes
Gill, T.
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Gore, W. O.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greenaway, C.
Hamilton, C. J. B.
Hamilton, J. H.
Harris, hon. Capt.
Hawes, B.
Henley, J. W.
Herbert, hon. S.
Hodgson, R.
Hussey, A.
Jermyn, Earl
Knatchbull,rt.hn.SirE
Lemon, Sir C.
Lincoln, Earl of
Lockhart, W.
Lyall, G.
McGeachy, F. A.
Manners, Lord C. S.
Marsham, Visct.
Martin, J.
Masterman, J.
Mitcalfe, H.
Morgan, O.
Mundy, E. M.
Newry, Visct.
Nicholl, rt. hn. J.
O'Connell, M. J.
Ogle, S. C. H.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Philips, G. R.
Pringle, A.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Scott, R.
Sibthorp, Col.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Tancred, H. W.
Thesiger, Sir F.
Towneley, J.
Trench, Sir F. W.
Trotter, J.
Wakley, T.
Wawn, J. T.
Wodehouse, E.
Wood, Col.
Worsley, Lord
Wortley, hn. J. S.

TELLERS.

Young, J.
Lennox, Lord A.

Mr. *Burroughes* proposed the following Clause :—

"And be it Enacted, that, in the case of any person being a widow, who shall have a legitimate child or children dependent upon her for support, and an illegitimate child born after the commencement of her widowhood, it shall be lawful for the Guardians of the union or parish to which such widow or widows may have become chargeable, to grant relief if they shall see fit to such widow or widows, although not residing within the union or parish in which she or they may have a legal settlement."

This Clause would lead to the comfort of widows and to the benefit of the orphans left. He hoped that the right hon. Gentleman would consent to relax the restriction which now prevailed.

Clause brought up, and read a first time.

On the question that it be read a second time,

Sir *J. Graham* gave credit to his hon. Friend for humane feelings, and if he could consent to the hon. Member's proposal his own feelings would induce him to do so. But this matter must be decided not on feeling, but on principle. From the earliest period of the Poor Laws permanent relief to non-residents had never been granted. It was not only liable to abuse, but from the very nature of the circumstances, metropolitan parishes, which were centres of the population of all parishes in England, would be called upon to support so many persons so situated, that such a principle would lead to great hardship upon such parishes. He must say that he thought the instructions already issued by the Poor Law Commissioners upon the subject of out-door relief were sufficient. There were no less than seven exceptions from the rule of not granting out-door relief, and he certainly thought that those exceptions were sufficiently comprehensive in their nature to include every case. If the system were carried to such a length as the proposition of the hon. Member would imply, he was afraid that a great principle of the Poor Law Amendment Act would be broken down, and that in such a manner as to entail upon the rate-payers boundless expense, whilst it would in no way tend to relieve the poor. Under these circumstances, he was sorry that he must resist the Motion of his hon. Friend.

Mr. *Spooner* had met constantly with cases of the most grievous hardship, occasioned by compelling widows to go back for subsistence to the parishes to which they originally belonged, when they probably had numerous friends, and were able to do something for their own support, in some other district, perhaps many miles away. He was quite sure that the expense to the parishes was much increased by the present system, and as he fully believed that the proposal of his hon. Friend would tend to lessen that expense, he trusted that his hon. Friend would press his Motion upon the Committee.

Mr. *Hawes* thought it was not necessary to take the sense of the Committee upon the Motion, as he conceived that the case was already comprehended in some of the seven exceptions to which the right hon. Baronet had referred.

Mr. *Brocklehurst* had known very many cases of severe hardships imposed upon widows under the present system, which he thought the proposed Clause was calculated to remedy, and he should, therefore, give it his support.

Mr. *G. Bankes* supported the Clause. It was by no means one rendering anything compulsory upon the widow, but it merely legalized a something—giving a power to the guardians to act in a benevolent manner towards a very helpless and dependent class of the community.

Mr. *Childers* opposed the Clause. He thought it was based upon a false view of the interests both of the rate-payers and of the class whom it sought to protect.

Sir *J. Graham* said, it appeared to him, if the proposed Clause were agreed to, that it would be breaking down that great principle of residence which was the only check against abuse in the case of out-door relief, whilst it would tend to encourage that vicious system of the payment of wages out of the rate.

Sir *T. D. Acland* said, the question could not be one of departure from principle, since there were, as the right hon. Baronet had said, already seven cases in which the principle was departed from. The question was, whether they should add another to the number of exceptions; and he, for one, was prepared to say that he did not think such a new departure would open another flood-gate to the return of old abuses. He could not help wishing that the proposed exception should not be added to the others, for he certainly did not think that the case was comprised in those already existing. Stringency in this matter would have a great tendency to make paupers, not only of the widow, but of the children, they had no means of preserving themselves against the calamity which reduced them to poverty. To take them away from that home was like transplanting a tree to some ungenial soil. The industry of the widow and family would be spoiled.

The Committee divided:—Ayes 49; Noes 48; Majority 1.

List of the Ayes.

Acland, Sir T. D.
Aldam, W.
Alix, J. P.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Clive, Visct.
Colvile, C. R.
Darby, G.
D'Eyncourt, rt. hn. C. T
Dickinson, F. H.
Douglas, J. D. S.
Duncombe, T.
Egerton, W. T.
Farnham, E. B.
Fleetwood, Sir P. H.
Fuller, A. E.
Hamilton, C. J. B.
Henley, J. W.
Hervey, Lord A.
Hodgson, R.
Hussey, A.
McGeachy, F. A.
Masterman, J.
Milnes, R. M.
Mitcalf, H.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Newry, Visct.
O'Brien, A. S.
O'Brien, J.
O'Connell, M. J.
Ogle, S. C. H.
Pechell, Capt.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Sibthorp, Col.
Spooner, R.
Tancred, H. W.
Wakley, T.
Wawn, J. T.
Wodehouse, E.
Worsley, Lord
Wortley, hn. J. S.
Yorke, H. R.

TELLERS
Burroughes, H. N.
Bankes, G.

List of the Noes.

Baring, hon. W. B.
Bodkin, W. H.
Boldero, H. G.
Buller, C.
Cavendish, hon. G. H.
Childers, J. W.
Clerk, Sir G.
Clive, hon. R. H.
Cripps, W.
Damer, hon. Col.
Eliot, Lord
Estcourt, T. G. B.
Forbes, W.
Forster, M.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gill, T.
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Granby, Marq. of
Harris, hon. Capt.
Hawes, B.
Herbert, hon. S.
Hope, G. W.
Jermyn, Earl
Knatchbull, rt. hn. Sir E
Law, hon. C. E.
Lemon, Sir C.
Lincoln, Earl of
Lyall, G.
Marsham, Visct.
Martin, J.
Mitchell, T. A.
Nicholl, rt. hon. J.
Peel, rt. hon. Sir R.
Peel, J.
Ponsonby, hn. C. F. A.
Pringle, A.
Scott, R.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir F. W.
Trotter, J.
Walsh, Sir J. B.

TELLERS.
Young, J.
Lennox, Lord A.

Clause read a second time, and added to the Bill.

Mr. *Darby* moved the following Clause:

"That power be given to the Poor Law Commissioners, or to the Secretary of State for the Home Department, upon sufficient cause being shown, to detach any parish or parishes, township or townships, from one union, and attach them to another, or to create a new union by the severing of parishes or townships, from one or more unions, and uniting and forming them into an entire union."

Sir *J. Graham* said, he had stated in the present and former Sessions that unions, at first formed, especially in the north of England, were too large. He, however objected altogether to the giving of a discretionary power to the Secretary of State. He thought it would be much better to vest that power in the Commissioners, and if the Committee agreed with him he would move a Clause which he held in his hand, instead of that just proposed, but carrying the same object into effect in what he considered the safest manner.

The Clause provided that the Commissioners may from time to time, as they may deem fit, declare any union not united for the purpose of settlement or rating to be dissolved, or any parish or parishes to be separate therefrom or added thereto; and further provided, that no such dissolution, alteration, or addition shall take place or be made without the concurrence therein of not less than two-thirds of the guardians.

Mr. *Christopher* hoped that the Poor Law Commissioners would be enabled by this Clause to revoke some of their former decisions made against most urgent representations respecting the formation of unions, some of the parishes of which were seventeen miles from the workhouse.

Sir *J. Graham* explained, that the effect of this Clause would be to remove the restraint that now existed on the discretion of the Commissioners with reference to the dissolution of unions, which required, as a *sine qua non*, the consent of two-thirds of the guardians. The relative rights and interests of parishes on the dissolution of a union would remain subject to the existing law, as declared in the 32nd Clause.

Mr. *Bankes* wished this Clause had been printed, and in the hands of Members for some time before they were called on to adopt it. Really this was a matter of very great importance. It was not only in the north of England and in the midland counties that the great extent of the unions was complained of. The evil had entirely originated with the Poor Law Commissioners, who, in spite of every warning and every remonstrance, and without any local knowledge, insisted on forming these large unions. The subject should be looked at not only with referrence to the wish of the guardians and the rate-payers, it bore most materially on the poor, especially when standing in need of medical relief. He knew of several unions in which they would be compelled in such cases to go a distance of fifteen miles. That was a great hardship. He was not at all content that the remedy should be left to those Poor Law Commissioners who had themselves caused the mischief. He hoped his right hon. Friend would consider whether he could not adopt some more efficient remedy than that he now proposed. Under the present Clause, he feared that the remonstrance of one parish would meet with no attention whatever, and in that case there was no remedy at all. The remedy to be available should meet the case of those parishes which might wish to be detached, though contrary to the wish of the majority of the guardians.

Sir *J. Graham* had great objection to give the Secretary of State a summary power apart from the Commissioners in this matter. His great apprehension in proposing this Clause was, lest it should excite throughout the country a desire to alter the boundaries of unions suddenly and to a great extent. There were imperfections, which arose from the practical workings of the measure at its first commencement; and these should gradually, cautiously, and safely be removed on the responsibility of the Commissioners, with reference to local circumstances and past experience.

Lord *Worsley* thought this discretion might safely be left to the Poor Law Commissioners. He believed the unions were made at first much too large, chiefly owing to the apprehensions of the rate-payers that great expences would be incurred in building union-houses; but the feeling in the country was now very different, and therefore the same reason could not apply.

Clause added to the Bill.

Preamble agreed to.

House resumed. Bill reported to be further considered.

Custom-House Frauds.] On going into Committee on the Customs' Act Bill,

Mr. *T. Duncombe* asked the Chancellor of the Exchequer if he had any objection to the evidence given before the Commissioners of Revenue Inquiry being printed with their Report? The Report of the Commissioners had been ordered yesterday to be printed without the evidence, although he had given notice of his intention to move as an Amendment to the Motion of the Chancellor of the Exchequer, that the evidence be printed. He was sure if that evidence was not printed, the public would feel great dissatisfaction and disappointment, and justly so. He would, however, take good care to read in the House the evidence that was attached to that Report, so that it might be published and the public be made acquainted with it.

The *Chancellor of the Exchequer* had no wish to conceal the evidence; his only objection to it being printed was, that it cast imputations on different individuals.

Mr. *T. Duncombe*: With regard to some of the evidence being offensive to certain individuals, the hon. Member for Buckinghamshire had told him, that it contained observations reflecting on a Mr. Rose, but he had Mr. Rose's authority for stating, that he wished that part of the evidence to be printed. He understood that in another part of the evidence a merchant in the city was called "an old screw," and he supposed that was a reason for inducing the right hon. Gentleman to suppress the evidence.

Bill went through Committee.

House adjourned at a quarter to two o'clock.

HOUSE OF LORDS

Friday, July 19, 1844.

Minutes.] Bills. *Public.*—$1^{a.}$ Parish Constables; Unlawful Oaths (Ireland); Soap Allowances; Western Australia; Farm Buildings; Trafalgar Square; Loan Societies; Party Processions (Ireland).

$2^{a.}$ Roman Catholic Penal Acts Repeal; County Coroners; Colonial Postage; Assessed Taxes Composition, etc.; Law Courts (Ireland); Transfer of Property.

Reported.—Art Unions; Aliens; Butter and Cheese.

$3^{a.}$ and passed:—Linen, etc. Manufactures (Ireland).

Received the Royal Assent. — Bank of England Charter; Three-and-a-Half per Cents. Exemption; Dissenters Chapels; Customs Duties (Isle of Man); Education of the Poor, etc.; County Rates; Militia Ballots Suspension; Stock in Trade; Vagrants Removal; Turnpike Acts Continuance; Parishes (Scotland); Prisons (Scotland); Charitable Loan Societies (Ireland); Turnpike Acts Continuance (Ireland).

Private.—$1^{a.}$ Great Southern and Western Railway.

Reported.—W. H. B. Jordan Wilson's Estate; Lady Le Despencer's Estate; Mariners and General Life Assurance; London Gas Light Company.

$3^{a.}$ and passed: — Brighton, Lewes, and Hastings Railway; Harris's Estate; Passingham's Estate; Bishop of London's Estate.

Received the Royal Assent.—Edinburgh, Leith, and Granton Railway; Ashton, Staleybridge, and Liverpool Junction Railway; Sheffield, Ashton-under-Lyne, and Manchester Railway (Ashton-under-Lyne and Staleybridge Branch); Taff Vale Railway; Eastern Union Railway; London and South Western Railway; Garnkirk, Glasgow, and Coatbridge Railway; Delabole and Rock Railway; Liverpool Docks; Newport (Monmouth) Dock; Birkenhead Docks; Southampton Improvement; Coventry Improvement and Cemetery; York United Gas; Hythe Landing Place (Hants.); Holmfirth and Dunford Road; Market Harborough and Coventry Road; Earl of Guilford's Estate; Necton Tithes (Bishop of Norwich's); Irvine's Estate; Stone's Estate.

Petitions Presented. By Earl of Radnor, from Stratton, St. Margaret's, Wilts, in favour of Free Trade.—By Duke of Richmond, from Cuckfield, Worthing, and Brighton, for Protection to Agriculture.—From Schoolmasters of Ellon (Scotland), for Inquiry, with a view to their better Remuneration.

Actions for Gaming Discontinuance (No. 2).] At half-past four o'clock the Lord Chancellor took his seat at the Table, when,

Mr. *James* was heard as counsel on behalf of Mr. C. H. Russell, of Percy-street, Bedford-square, in the county of Middlesex (clerk to Mr. J. T. Russell, of the same place, solicitor), whose Petition against the Bill was presented yesterday.

Mr. *J. T. Russell* was then examined in support of the prayer of the Petition.

On the Motion of Lord Brougham the evidence was ordered to be printed, and the witness to attend at the Bar at five o'clock on Monday, to which day the further proceedings on the Bill were adjourned.

The Writ of Error—Misrepresentation.] The *Lord Chancellor*: I beg to call your Lordships' attention to a matter which, although personal to myself, is of importance to the public, as connected with some proceedings which recently took place in your Lordships' House: I allude to the trial and arguments on the writ of error in the case of the Queen *v.* Daniel O'Connell and others. I have been informed that in certain Irish papers there has been published a most erroneous account of some statements made by me on that occasion; and in consequence of that information, I thought it my duty to examine into the source in which such an erroneous statement could have originated, and I find that it had its origin in a report, or rather in a commentary on this case, which appeared in the *Morning Chronicle* a day or two after the termination of the arguments of counsel. Now though I think it necessary to call your Lordships' attention to this subject, I do not mean to charge the writer of this article with any act of wilful misrepresentation; indeed, I am anxious, and bound, and ready to suppose that it arose from misapprehension, which a person not acquainted with the law of the subject would be very likely to fall into. Therefore I have no complaint to make against the editor of this journal in this matter, although on account of the nature of the statement, I feel it my duty to enter into some explanation upon the subject. I will beg now to call the attention of your Lordships to one or two sentences in this article, for the purpose of explaining what I am about to state to your Lordships. The first passage runs as follows:—

"Whilst Mr. Hill was upon the subject of the manner in which the jury had been composed, and which had been made the subject of a challenge by the defendants, the Lord Chancellor said, 'There is no dispute about the facts. It is clear from the record that there was a fraudulent list, that the book was made up from that list, and that the panel was made out from the book.' His Lordship afterwards observed—'The only question was, whether this was the right course of proceeding, whether the fraud formed a ground of challenge to the array.' At the same time Lord Campbell observed—'The question is, whether this [fraudulent composition of the Jury List] 'was a cause of challenge, or whether the parties ought to have applied to the Court of Queen's Bench in Dublin to quash the panel.' Here then, we have the deliberate and judicial declaration of the Lord Chancellor, that the trial took place before a Jury, which, as his Lordship expressly declares, the Crown prosecutors themselves, upon the record, admitted to have been fraudulently composed. Can any mortal who has the slightest acquaintance with the feelings and the temper of the people of England imagine that they will not receive such an admission with an universal burst of execration?"

Further on, the writer says—

"We cannot imagine it to be possible that any Minister of the Crown would have the audacity to maintain a judgment which is founded upon a verdict returned by a Jury who have been selected from a list which, according to the authority of the Lord Chancellor of England, has been fraudulently concocted, and at the hands of whom a verdict of conviction was anticipated as a matter of course."

This, my Lords, is the principal matter of the article to which I have now called your attention. In order to explain the transaction to which it refers, I must mention that in legal proceedings, when parties state a fact, or a series of facts, for the purpose of leading to a legal conclusion, the opposite party may demur to the point of law so raised upon that statement of facts; and the effect of his so doing is this, that for the purpose of argument, and of coming to a conclusion upon the point of law, and for this purpose only, the fact may be considered to be admitted. If he demurs, he cannot deny the facts; he must make his election. If he demurs, he admits the facts for the purpose of argument. He says, "Assuming the facts as the opposite party states them, I don't believe, that they will lead to the legal conclusion, in point of law, that you contend for." This was the case in reference to the challenge of the array. The facts were placed on the record. In order to support the challenge of the array, these facts were stated—"that a fraudulent list was made out by some person unknown with a view to prejudicing the case of the defendants; and that the Jury-book was made out from that list." These were the facts stated on the record, as the ground for supporting the challenge to the array. To this statement the Attorney General for Ireland demurred; the effect of which was as much as to say to the traversers, "assuming the facts to be as you have stated them, still I maintain they are no ground for a challenge to the array." Now, in the course of his argument on the Writ of Error, Mr. Hill, who was of counsel for some of the traversers, was going into some detail as to the facts alleged in the challenge of the traversers, when I observed to him "that it was not necessary to go into those facts, for that they were all admitted; it was admitted on the record that the list was fraudulently made up, and that from this list the Jury Book was made up to the prejudice of the traversers." It was so admitted for the purpose of legal argument; it could not be denied that it was so admitted on the record. I never intended to say, nor could I be expected, or supposed to say, that the facts were true of my own knowledge. My observation extended to the record merely. It is very possible, my Lords, that the person who wrote this article was not aware of these legal technicalities, nor of the effect of my observations—I do not, therefore, charge him with wilful misrepresentation. But when it goes forth that the High Chancellor of England has used such remarks, and made such admissions as those this writer states of me, it becomes necessary that I should set the matter right. I am the more anxious to give this explanation, because I understand from some noble Lords who sit near me that it was set forth in the Irish newspapers in large letters—in large characters—that it was admitted by the Lord Chancellor of England himself, "That the Jury-List was fraudulently made out for the purpose of prejudicing the defendants." I have, therefore, felt it necessary to explain this matter to your Lordships as clearly, and with as much perspicuity, as I can. I am sure that your Lordships have understood me, and are satisfied that what I did say on the occasion referred to did not lead to the conclusion in argument which has been arrived at by this writer; nor warrant the inference appended to it; that it can hardly be supposed possible

> "That any minister of the Crown would have the audacity to maintain a judgment on which is founded a verdict returned by a jury who have been selected from a list which, according to the authority of the Lord Chancellor of England, has been fraudulently concocted, and at the hands of whom a verdict of conviction was anticipated as a matter of course."

This was a most perverse representation of what had fallen from him. The party making it must have been misled by not understanding the nature and object of the law, but if he did understand it, nothing can be more mischievous, nothing can be more improper, than the representation that had been made by him. There is another passage in the article in which the writer says that if the counsel for the Crown thought proper, they might have taken issue upon the matter of fact averred in the challenge. I shall not now give any opinion upon this point; but I may mention that the Attorney General for England stated in argument at the Bar of their Lordships' House that it was impossible to traverse any fact which was material to the issue. I trust your Lordships will think that I am justified in making these observations to the House. I seldom take notice of anything that is published relating to myself; but on the present occasion the publication is important, as having a tendency to prejudice the administration of justice.

Lord *Brougham* said, that the misrepresentation adverted to was certainly a most extravagant one; but he was also clearly of opinion that there was no ground for designating it as a wilful misrepresentation. It was certainly the greatest possible misrepresentation, but it arose from the greatest possible misapprehension of the course of the law, and of the nature of proceeding in making up the record. His noble and learned Friend stated, that he was charged with having gone out of the case to give an opinion on a point of fact, the evidence of which was not before the House. His noble and learned Friend was not the only person so charged; for in the Irish newspaper which he (Lord Brougham) had seen, it was assumed that all the Law Lords concurred with his noble and learned Friend because they had not contradicted him. Undoubtedly they did not contradict his noble and learned Friend, because they understood his statement exactly in the sense in which he had just explained it. He would not go into the other questions adverted to—as to the non-traversing the facts, simply because that question was not now before them. The present question was, whether the noble and learned Lord on the Woolsack had pronounced a judicial opinion that those facts were true, and his noble and learned Friend had set that matter right by contradicting the statement. He (Lord Brougham) did not, however, consider the misrepresentation wilful.

The *Lord Chancellor* said, that the other passage in the newspaper to which he had referred, but had not read, was as follows:—

> "If the Crown lawyers thought proper they might have taken issue upon the matters of fact averred in the challenge, but, instead of doing so, they demurred to the statement itself."

In answer to that he had stated, that the Attorney General in his argument at the Bar of the House said he could not with propriety have taken issue on the facts; but he (the Lord Chancellor) made no observations on that point, because it was not now the question before the House.

Lord *Campbell*, after approving of the conduct of the noble and learned Friend on the Woolsack in correcting the misrepresentation to which his observations had been subject in the paper referred to, said, that when the matter came regularly before the House, and when they would have to consider the manner in which these trials had been conducted, he should feel it his duty to give an opinion entirely different from that which had been expressed by his noble and learned Friend.

The *Lord Chancellor*: I must beg to set my noble and learned Friend right; I gave no opinion whatever on the subject; on the contrary, I said I would not do so.

Lord *Campbell*: Well, then, he begged to give notice that when their Lordships came to consider this subject in their political and constitutional capacity, he should be prepared to contend that the Attorney General for Ireland was not justified in going to trial in the way in which he had done; that it was his duty to have seen that the Jury was impartially selected which was to try the question between the Crown and the traversers.

Lord *Cottenham* said, that the explanation which his noble and learned Lord had given, he was sure must be satisfactory to every one who heard it. The fact was, that the noble and learned Lord's observation to the counsel for the traversers could not have been stated as between court and counsel in any other manner than it had been. Lawyers were so in the habit of treating matters alleged in demurrer as true, that the observation of the noble and learned Lord would have been at once understood by all who were acquainted with the principle and rules of pleading. Such, however, might not be the case with persons who were not informed upon the subject; and therefore he did not think there was any ground even to suspect that the misstatement of the writer now in question had any other origin than his misunderstanding the precise bearing of the case he treated of.

The subject then dropped.

ART UNIONS.] Lord *Monteagle* moved, that the House resolve itself into a Committee on this Bill.

The Duke of *Cambridge* said, I have great pleasure in seconding the Motion of the noble Lord, and I trust your Lordships will forgive me if I take this opportunity of saying a very few words on the subject to which this Bill relates, having had the honour of presiding over more than one association of the kind to which the Bill now before your Lordship refers. The extraordinary interest which I feel for the welfare of the Arts prompts me to address a very few observations to your Lordships, although I feel that it will be needless for me to occupy your time at any length after the clear and able speech delivered last night by the noble Lord. About four years ago I was requested to take the chair at a meeting convened for the purpose of establishing a society for the encouragement of the Arts, it being known that five or six years previously I had interested myself in the formation of a similar association in the country where I then resided. I have reason to know from experience the advantages conferred by such institutions in diffusing a taste for the Arts, for although at the time when that institution was first projected no one in the town—I may almost say no one in the country where I then lived—cared anything about the Arts, the number of subscribers there is now nearly 4,000; and when I four years ago took the chair for the first time at the meeting of the Art Union Society in London, their number was about 6,000, but the last time I presided it was not less than 13,000. At this moment, as your Lordships are aware, there is above 20,000*l.* in their hands in consequence of the legal difficulties which have intervened to prevent that money from being expended in promoting the objects of the Society. My Lords, every one at all acquainted with the proceedings of these Art Unions knows, that these bodies are not actuated by any desire of lucre or paltry gain, but that they seek nothing but the advancement of art. I trust, therefore, that every effort will be made to pass this Bill without delay, for, as the matter now stands, your Lordships, and all who have subscribed to these Associations, will be, like myself, liable to be imprisoned. The only comfort I have is, that I shall be in very good company. My Lords, I have great pleasure in seconding the Motion for the Committee on the Bill, and I sincerely hope that your Lordships will pass the Bill as soon as possible, for it would confer a great boon on artists if advantage could be taken by the Art Unions of the exhibitions of works of Art which now remain open.

The Marquess of *Northampton* said, the question was one of life and death to artists. The objection raised against Art Unions was, that they had not brought forward any talent of the first order; but in art, as in everything else, time was required before eminence could be attained and even Michael Angelo and Rembrandt had their beginnings.

The Marquess of *Lansdowne* acquiesced in the necessity of passing the Bill during the present Session, and suggested that the exhibitions should be kept open somewhat longer than usual, in order to allow selections to be made from the pictures there collected.

Lord *Colborne* thought these Associations calculated to encourage mediocrity of talent, but, nevertherless, taking into consideration the number of individuals interested, he was anxious that the Bill should pass during the present Session, and then, if it should be found inadequate for the objects contemplated, it might serve as the skeleton of a more comprehensive measure next year.

After a few words from Lord Monteagle, Bill went through Committee, and the House resumed.

MAGISTRATES' CLERKS FEES.] The Marquess of *Lansdowne* said, that perhaps it was not to be expected that a Bill could be introduced for the regulation of the fees paid to Magistrates' Clerks during the present Session, but he would ask the noble Duke opposite, whether, after the various discussions which had taken place, and the number of Returns that had been moved for, it was intended to bring forward any general measure for regulating the fees of Magistrates' Clerks? A Report had been made by the Commissioners appointed to investigate the causes which led to the disturbances which had occurred in South Wales, in which it was stated that, next only in importance to that great and crying evil, the exaction of illegal and unnecessary tolls on the highways, stood these fees claimed by the magistrates, as an incentive to insubordination. A Bill had, he believed, been introduced to remedy the former evil, which he trusted would not be abandoned; but he did not find that any notice had been taken of the abuse to which he had ventured to direct the attention of the Government.

Lord *Wharncliffe* said, that the Government would not lose sight of the subject; and they would direct their attention, not only to the case of Magistrates' Clerks, but also to the case of the Clerks of the Peace and the Clerks of Assize. They hoped to be able to introduce a measure upon the subject in the course of the next Session.

The Duke of *Richmond* said, that he could never understand why the Clerks of the Peace or the Clerks of Assize in one district should have different fees from the clerks in another district. With respect to Clerks of the Peace, he should wish that their fees were abolished altogether, and that the counties should give them salaries instead. The practice of paying such officers, half by fees and half by salaries was an extremely injurious one, and it would be a great boon if the Government would introduce some measure to amend the system.

CHURCH FUNDS.] The Marquess of *Clanricarde* rose to move, pursuant to notice, for a return of sums under the control of the Ecclesiastical Commissioners of England and Wales. The noble Marquess said, that he did not anticipate any objection to the Motion; and he should not therefore enter into any lengthened observations upon that occasion. His attention had been directed to the matter in consequence of the debates which had taken place upon the subject of the Union of the Sees of St. Asaph and Bangor. He had observed in the course of those debates that the House possessed no accurate information respecting episcopal revenues; and as the subject of the Union of those Sees would no doubt be again brought under their consideration, he thought it desirable that they should have all the information connected with it which could possibly be obtained. The noble Marquess concluded by moving that there be laid before this House,

> "A Return of all Sums under the Control of the Ecclesiastical Commissioners of England and Wales, not appropriated to any particular Purpose, up to the latest Period to which the same can be made out; distinguishing the Episcopal Fund from that which is appropriated to the Augmentation of small Livings; and stating the sources from which such Sums are derived."

Lord *Wharncliffe* said, he had no objection to the production of those Returns.

The Duke of *Richmond* said, that, in his opinion, it would be very advisable that the Ecclesiastical Commissioners should furnish to Parliament an annual Report stating the whole of their proceedings with regard to Church property, and the rules and regulations they might have laid down for their guidance.

The Marquess of *Lansdowne* said, that when he had the honour to be one of the

Commissioners, he, as well as he believed, every other lay and ecclesiastical member, assented to the principle that this property might be made available for Church improvement, for which otherwise funds of a different nature would be required. Three years had, however, since elapsed, and he thought there had been time to do that which would be most beneficial, not only to the holders of Church property, but also to the country at large, that is, to lay down rules by which parties should be governed in the option either to renew, or to refuse to renew, or to purchase, or refuse to purchase. He wished that the holders of Church property should know in this respect what they had to look to, and that to this extensive description of property the same system of improvement should be applied, as he was happy to say was now pervading every part of the country, but which required an outlay of capital which no tenant could be expected to incur, without his having some security for a fair return for his expenditure. He thought it incumbent upon the Commissioners to make known the principles upon which they were about to proceed, and that they should not incur the appearance of a capricious or partial arrangement, but that their rules should be applicable to all descriptions of cases.

Lord *Wharncliffe* said, he did not wish to express any opinion as to whether it would be advisable that the Ecclesiastical Commissioners should lay down certain fixed rules for the management of Church property. He should observe, however, that he doubted whether it would be possible to lay down rules upon that subject which would be applicable to all cases. He quite agreed in thinking that the property of the Church ought to be made available for the purposes of the Church, at the same time having regard to the equitable interests of the tenant.

After a few words from Lord Redesdale and from the Marquess of Clanricarde, the Motion was agreed to.

Return ordered.

ROMAN CATHOLIC PENAL ACTS REPEAL BILL.] Lord *Beaumont* moved the second reading of this Bill.

The *Lord Chancellor* said, that this Bill went to repeal no less than twenty-nine Acts or parts of Acts. With regard to many of these Acts no question could arise as to the propriety of their repeal, and he had therefore to propose that the Bill should be allowed to pass with reference to those particular parts upon which no question could arise. During the vacation the Government would take into their consideration the other Acts included in the Bill, but in the meantime he thought it would be better to read the Bill a second time, with the view of its being committed on Monday, when the Amendments might be introduced.

Lord *Beaumont* assented. Bill read a second time.

COUNTY CORONERS BILL.] The Duke of *Richmond*, in moving the second reading of this Bill, said that though he had undertaken its management, there was a Clause in it which he meant to vote against in Committee. The Clause related to the travelling allowance for Coroners. Now that travelling had become so much cheaper in consequence of railroads, he could not see any ground for an increase of mileage to Coroners. If Parliament were of opinion that Coroners were not sufficiently remunerated, let them pay the necessary amount out of the Consolidated Fund. When he looked at the great increase which had lately taken place in the county rates, he objected to this additional charge being imposed upon them.

Lord *Beaumont* said, that his objection to the Bill rested chiefly on the Clause alluded to by the noble Duke. It was his intention to have moved, that the Bill be read a second time that day six months, but as the noble Duke had given notice of his intention to move the erasure of the Clause in question, he had not now the same grounds for opposing the measure. After the increase which had been made to the county rates, he did think it was monstrous to propose an increase of this kind. He would like to know whether the expulsion of the Clause could be effected without defeating altogether the Bill, (it being a sort of money clause) for he would rather that the Bill should be thrown out altogether than that it should pass with such a Clause.

The Duke of *Richmond* could not answer the question of the noble Lord. For his own part, he should certainly move the expulsion of the Clause, because he would prefer that the Bill should not be received elsewhere than that it should be passed with this Clause. Let the other House throw out the Bill if they should think fit, or let them send up another Bill without this Clause.

Lord *Beaumont* expressed himself satisfied with the course proposed to be taken by the noble Duke.

The *Lord Chancellor* had no doubt that the omission of the Clause would cause the loss of the Bill. In his opinion it was one of those cases which the other House would consider as affecting its privileges.

The Marquess of *Normanby* would not say that he would vote for the expulsion of the Clause, for he did not know upon what ground the addition to the mileage rested; but clearly the noble Lord had put his objection upon grounds which did not apply. His noble Friend said, that travelling was much cheaper now than it was formerly, because of the railroads. Undoubtedly it was so by railroad, to those who had need to transfer themselves over 200 or 300 miles in a journey; but he doubted whether it would be cheaper to Coroners, who had to travel not merely from one railroad station to another, but from one part of the country to another by the same mode of conveyance as formerly. He would, therefore, reserve his opinion of the Clause in question until he had further considered the matter.

Lord *Wharncliffe* did not think that there would be any difficulty if they should throw out the Clause, whatever there might be in merely amending it.

Bill read a second time, to be committed on Monday.

House adjourned.

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HOUSE OF COMMONS,

Friday, July 19, 1844.

MINUTES.] BILLS. *Public.*—1°· Ecclesiastical Jurisdictions; Books and Engravings.

2°· Privy Council; Clerk of the Crown in Chancery; Marriages; Lecturers and Parish Clerks.

Reported.—Metropolitan Buildings.

3°· and passed:—Parish Constables.

Private.—2°· Devayne's Estate.

3°· and passed:—Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate.

PETITIONS PRESENTED. By Mr. Plumptre, from Nottingham, and Alness, against Dissenters Chapels Bill; from Ireland (2), in favour of Church Education System; from Scotland (2), for Legalizing Presbyterian Marriages; from Ireland (11), against further Grant to Maynooth; from several places (4), for Suppression of Monastries; and from Clonfert, for Excluding Roman Catholics from Parliament.—By several hon. Members (3), against Abolition of the Corn Laws.—By the Solicitor General, from Denbigh, for Alteration of County Courts Bill, and against Poor Law.—By Captain Gladstone, from Ipswich Union, for allowing Out-door Relief.—By Mr. Plumptre, from Willesborough, against Exempting Workhouses from Rates.—By Mr. Bright, from Liverpool Peace Society, for Abolition of Punishment of Death.—By Mr. Cripps, from P. Fennings, denying Petition of J. H. Rolls.

PUNISHMENT OF DEATH.] Mr. *Bright* wished to call the attention of the noble Lord the Secretary for Ireland (Lord Eliot) to the case of two women who were convicted at the late Roscommon assizes for murder, and were left for execution on the 31st of this month. The crime was committed so far back as June, 1843, and the coroner's inquest which had sat on the body of the man alleged to have been murdered, returned a verdict of suicide. Since then, a woman who said she slept in the room where the murder was committed, had come forward to prove that the man was murdered, and his throat afterwards cut to make it appear that he had committed suicide, which was the verdict of the coroner's jury. The jury before whom the case was tried at the assizes, however, had, after twenty-two hours' deliberation, returned a verdict of guilty of the crime of murder against the wife of the deceased and her sister. They had, however, recommended the prisoners to mercy, but the judge, as he understood, had refused to forward that recommendation to Dublin. The chief witness, it appeared, was a woman of very indifferent character, and a very low state of morality existed amongst the whole of the parties implicated. The case seemed to be one well worthy the attention of the Government. If the man had been murdered, an inquiry should be entered into with respect to the conduct of the coroner, before whom only one witness was examined, and who had called no surgeon. The inquest altogether was most unsatisfactory and insufficient, and he wished particularly to call to it the attention of the noble Lord.

Lord *Eliot* thought, that the object which the hon. Gentleman had in view would have been answered by merely calling his attention to the circumstances of the case, without, as he had done, rather overstepping the limits usually observed in putting questions in Parliament. The hon. Gentleman thought that the coroner ought to be called to account for his conduct, but he would recollect that Government had no authority over this officer. With respect to the circumstances of the trial he would undertake to put himself immediately in communication with the Lords Justices in Ireland. He hoped this would be satisfactory to the hon. Gentleman.

PROMOTION OF EDUCATION.] On the Motion for reading the Order of the Day for a Committee of Supply,

Mr. *Ewart* rose, pursuant to notice, to call the attention of the House to the expediency of a statement being made by the Government respecting the disposal and the results of the outlay of public money voted for the purposes of Education; and also to call the attention of the House to the expediency of promoting the formation of public libraries in the metropolis and provincial towns. It was customary, in voting money for the Navy or Army, for the Member of Government whose department was immediately connected with the destination of that money to make a statement as to how it was to be applied, and as to what were the prospects or exigencies of the department for the service of which it was voted. Now, he did think it would be highly advantageous if this practice were followed with respect to the education estimates. He thought they ought not only to have a statement as to the general application of the funds, but a statement of the prospects of each particular department. They had estimates proposed for various establishments; they had estimates for the schools of design, for the universities, for the National Gallery, and for other institutions of a similar nature. That was an additional reason why they should have a statement on the subject on the part of the Crown. Education had, of late years, been extended into the factory system, to the system of prison discipline, and it had formed portions, more or less, of bills for the amendment of the Poor Law. Now, the Government ought to give them an insight into the alterations which had taken place in the educational establishments during the past year, and into the prospect of their probable improvement. Among the votes for education, there was one for the School of Design. He rejoiced to observe that such schools were spreading through the manufacturing districts, and he hoped the time was not far distant, when the school in London would be a focus from which the other schools might radiate, so as to spread information through the country. The School of Design in London was gradually assuming a more central and normal character, and he trusted that all the schools in the manufacturing districts would become subordinate to it. These schools were of the utmost importance, not only to the arts, but to the commerce and manufactures of the country. The Government, he considered, were bound to lay before them some statement of the progress which had been made, or was intended to be made in improving and fostering these schools. Then there was the general vote for Education. It was an opprobrium to the country in general, that a vote of 30,000*l.* only had been devoted to that purpose, and he understood that this year there would be a reduction on preceding years. They should have an explanation from the Government as to how that sum had been divided—whether equally divided among all religious denominations, or confined to the British and Foreign, and National School Societies. They ought to have some explanation on this subject from some Member of the Government. There was another most important subject on which information was equally requisite. There had been vast sums left by the pious bequests of our ancestors, which had been at first appropriated and afterwards misappropriated, in the grammar schools of the country. That was a question which must eventually come under the consideration of the Government. They ought to state annually what steps had been taken to place those schools on a proper foundation. He knew not why education, the most important of all subjects, the preventive of crime, that which ought to receive the first consideration from every Government, should have hitherto received the last. They never had a statement made by a Minister of the Crown on the subject of Education; yet, in countries more despotically governed, an annual report on the state of education was made by a Minister of the Crown to the Government which he served. He knew that it would be impossible to make education in this country a strictly Governmental measure. He believed, however, that although Government could not control education, they could do much to promote and assist it, and they would be effecting that object by making such an annual report as he had described. There was another subject to which he wished to call the attention of Government, of the House, and of the country—it was the constitution of public libraries for the general use of the people. It was a most discreditable thing for this country that there was not such a thing as a public library in the sense in which the word was understood on the Continent, from one end of the land to the other. Any gentleman who had entered into a public library abroad —in France, Germany, or Italy—would remember with gratitude the facilities given and the ease with which he could obtain literary information. Here, however, with the exception of that of the British Museum, there was not an institution which could be called a national library. They had libraries connected with Mechanics' Institutes in many of the large towns; but as for libraries to which the poorest man might freely resort, there was no such thing known in the country. Let them contrast in this respect the condition of London with that of Paris. In Paris there were no less than five public libraries open to every class of society, from the highest to the lowest, and to the subject of every country. Libraries had lately been founded by the Emperor of Russia in his dominions, and the King of Saxony had opened a library to the public at Dresden. What would have been the astonishment of these monarchs on their recent visit to this country, had they known that England, so great in every department of art, science, and manufacture, was so deplorably deficient in this most important respect? He trusted that this subject would have the serious consideration of the Government. He hoped that the right hon. Baronet would not think it chimerical and impracticable, but would deem it a subject worthy of his immediate and earnest attention.

Viscount *Howick* expressed his concurrence with much of what had fallen from his hon. Friend. Enough had not been done for education; and looking to the state of the country—looking to the rapidly increasing density of the population —increasing without any adequate increase in the means of providing instruction, and thus also giving increased facilities to their being led away by designing men—he could not help regarding the prospect with great anxiety. He agreed with his hon. Friend, that it was not desirable to make education completely governmental. The experiment made last year proved that there was not among the different religious sects of this country sufficient toleration (and in this respect he thought Dissenters were as much to blame as Churchmen, and Churchmen as Dissenters)—there was not sufficient toleration among men of different religious opinions to render it possible that anything like a public system of education could be created with advantage. But although the experiment of last year could not be renewed with advantage, it was deserving of the consideration of Government, whether more might not be done in the direction of that which had been already attempted. He wished to see measures taken with a view to stimulating the people themselves to increased exertions in the cause of education. Moderate as the grants hitherto made for education had been, they had greatly stimulated private effort, and he wished to see the Government taking further steps in the same direction. It was possible to do a great deal at a very small expense in this way. Schools had been lately very generally established throughout the country, but much yet remained to be done. He would suggest that the all-important object might be attained—that at all events much might be done towards creating a general desire for the best education, if a partial examination were now and then instituted into the acquirements of the children brought up in different schools in a district. In each district, examiners appointed by Government might open examinations, which the children brought up in the various schools might voluntarily attend. He would propose in this matter strictly to carry out the voluntary system. At first, it was true, but very little effect might be produced by these examinations, but he thought that a change in that respect would very speedily take place. If the system were commenced, and certificates granted to those children who had made most progress, it would speedily be found that these certificates would be of much value to those who obtained them. They would have the preference in competing for employment in which education and intelligence was of value. But Government might also bring candidates to these examinations by holding out more substantial rewards to a few of the children. This could be done at no expense whatever. They all knew how earnestly situations in the lower ranks of the public service were looked for among the classes likely to send their children to these schools, and if a few such situations—as those of tide-waiters for example—were made prizes for perseverance, attention, and ability, the hope of winning them would attract great numbers of persons to these examinations. By a small sacrifice of patronage this important object might be attained by Government. Parents would then look out for the best schools to which to send their children, so as to give them the best chance of winning future employment and emolument. He was sure the Government would not allow the consideration of petty patronage to stand in the way of such a scheme as that which he contemplated and recommended. Indeed he thought it would be rather a relief to them than otherwise to have the means of introducing into the lower ranks of the public service persons selected on account of superior qualifications, and not, as at present, more in consequence of influence or favour. It was quite manifest, that men imperfectly educated (as, to the disgrace of the Legislature, too many of the working classes unfortunately were), had very inadequate means of judging of the qualifications of the different schools to which they might send their children. But such an examination as he proposed would give a plain and simple test of capability which no man could mistake. It would besides render schools as efficient as possible. The Government would have, also, the means of judging who were the parties deserving of reward; and he could not help thinking that some small proportion of the Government grant for education might be most usefully employed in giving rewards to those who were the best schoolmasters. It would be very easy to provide that, after a certain number of years' service (and he did not think it should be a small number), schoolmasters should be entitled to some small pension from the State. He believed that a comparatively small sum expended in this way would go further than any other plan to raise the general standard of qualification on the part of schoolmasters. He looked upon this as the most important object which they could now have in view with reference to education. He was perfectly aware this was not a time for entering into details; but feeling that it was a subject of intense importance, and that the Government and Parliament had not yet done as much as was desirable with respect to it, he thought this not an improper opportunity to suggest the carrying further an attempt already partially successful in stimulating the private efforts in favour of education. Believing that from the unfortunate feeling that prevailed amongst different parties on the subject of education that a Government measure was impossible, the only thing that remained was to stimulate the private efforts in favour of education.

Sir *R. Peel* thought there would be great difficulties in the way of appointing a separate minister for Education. To multiply the responsible Ministers of the Crown was not desirable. He thought the object of the hon. Gentleman might be effected by leaving the control over this question to the Secretary for the Home Department, whose duty it was to attend to our internal concerns of which none was more important than Education. But the hon. Gentleman seemed to forget that the Government had already appointed a Committee on the subject, which, by clubbing the information and local information of each, was likely to answer every purpose that could be effected by the Executive. He held in his hand the Report of that Committee. He was very much afraid that Gentlemen made motions in that House, and called for reports, whilst they neglected the information already supplied. If hon. Gentlemen would only read the minutes of the Council for Education during 1842 and 1843, they would find that they contained a vast amount of information. The Government had put this information in a form somewhat more inviting than the usual Blue Book. They had already increased the vote for Education, and he was sure, if the occasion required it, that the House would respond to an additional demand for such an object. On one point he certainly concurred with the noble Lord. He thought if the patronage of the Government could be applied to promote the cause of education by giving situations to persons who had distinguished themselves at the public examination of the Government schools, it would be a most wise application of public patronage. Any loss of patronage sustained by a political party would be amply compensated by the advantages that must result from such a system. It was the duty of every administration, irrespective of party interests, to strengthen the foundations of good Government, and they could not do so more effectually than by stimulating the efforts of those who were anxious to distinguish themselves in point of education. He was afraid, however, there were some practical difficulties on account of the age at which the education at those schools was provided. If they were of an academical character, and the education there provided was for youths of seventeen or eighteen, he should not hesitate to accede to the proposal of the noble Lord. But he was afraid that the boys at the Government schools left them at a very early age—eleven or twelve—and that to hold out to them the prospect that they might then choose a profession, but that when they arrived at the age of eighteen they might depend on getting some Government situation, would be doing them anything but a service. But if it were found possible to apply some subordinate patronage of Government as a stimulus to education, he should not merely not object to such a proposal, but he thought it the most legitimate application of the public money. The jealousy manifested with respect to public education had its evils, in preventing a large number of persons from receiving the benefits of mental culture; but it showed an independent spirit which ought to be respected.

Viscount *Howick* was perfectly satisfied with the pledge of the right hon. Gentleman, that he would consider his suggestion, and he hoped the right hon. Gentleman would not only consider the possibility of giving premiums, but of providing an impartial examination.

Mr. *Ewart* asked whether the right hon. Gentleman had made any provision for public libraries?

Sir *R. Peel:* He could not consider any moral obligation stronger than that on great manufacturers to provide libraries for those employed by them. When they gained thousands and tens of thousands through the labouring classes, he could not conceive a more fitting return than to do all in their power to elevate the mental character of those whom they employed. He believed that many such libraries were established.

Mr. *Ewart:* Not libraries open to all as in other countries.

Sir *R. Peel*: He thought the hon. Gentleman did the manufacturers injustice, for many of them had, he believed, provided, if not open libraries, at least libraries to which the price of admission was a very small sum. He should be sorry to see the Government interfering in a matter which had much better be left to private exertion.—Subject at an end.

Question again put, that the Order of the Day for a Committee of Supply be now read.

THE CASE OF MR. ROLLS.] Mr. *Fitzmaurice* called the attention of the House to the case of Mr. Rolls, who had been dismissed from his situation of landing waiter, because he did not divulge to his superior officer an offer which had been made to him, in 1840, to participate in the Custom frauds. It appeared he made a private memorandum of the fact, which was found in 1842, and on this discovery he was dismissed. The Commissioners of Inquiry had recommended his reinstatement, but though he was paid his salary, and had been offered another situation for a year, the Lords of the Treasury would not agree to re-appoint him. He begged to move that the

"Petition of Mr. Joseph Henry Rolls be referred to a Select Committee, to report their opinion thereupon, with the Evidence, to the House."

The *Chancellor of the Exchequer* defended the conduct of the Board of Customs. The Board of Customs made a Report, in which they discussed the circumstances of the case, and stated that they could not place in Mr. Rolls that confidence which should be reposed in every officer of the public service. In these circumstances that letter was written which had been read to the House by his right hon. Friend, in which the Treasury stated, that as he had been deprived of the confidence of his department, they did not consider it consistent with their duty to replace him in the situation he had filled. This communication was accompanied by the intimation that the salary should be paid up to the period when the decision was communicated to him. His hon. Friend stated that an offer of another situation had been made to Mr. Rolls, and this was perfectly correct. It was felt at the Treasury that though Mr. Rolls might not have been deficient in integrity, as was stated by the Commissioners of Revenue Inquiry, there were circumstances of want of judgment, which had entailed on the Customs serious consequences, and which might naturally prevent the Board from having him placed under them in a situation of trust; but still the Treasury did not consider that this ought to operate as an entire disqualification of Mr. Rolls for further employment. An offer was made to him of an office of a temporary character, the only one at the disposal of the Treasury, in testimony that they did not consider his integrity impaired. On the whole, no other course could have been pursued consistently with the interests of the public service.

Mr. *T. Duncombe* said, the situation offered to Mr. Rolls was that of registrar of births, deaths, and marriages, and it could not have been expected that a man of unimpeached integrity, who had filled an office so much higher, should have accepted of it, particularly as he had a right to insist that he should be reinstated. He was satisfied that the public did not yet know who were the real parties to the Custom-house frauds, and he must complain that the right hon. Gentleman refused to give the evidence on which it was founded.

Sir *R. Peel* said, the Board of Customs and the Treasury could have followed no other course than that which, on due consideration of the case, they had adopted. The Treasury had not rested satisfied with a merely verbal objection from the Chairman of the Board of Customs; they had requested that the objections to the reappointment of Mr. Rolls should be placed on record, making it a matter of official reference. Accordingly an answer was received from the Customs, signed by six members of the Board, in which they stated in detail the reasons why they could not recommend Mr. Rolls. He meant no imputation on the integrity of Mr. Rolls; but the Treasury, with that distinct opinion, could not force him upon the department, seeing that there had been some unfavourable circumstances in the case.

Mr. *Hawes* said, as regarded the character of Mr. Rolls, there was no imputation upon it; even the Government admitted that. He acknowledged the difficulty of interfering, after the statement of the Chancellor of the Exchequer; but he hoped that what had passed would not prejudice the expectations of Mr. Rolls.

Lord *G. Somerset* said, however liable to suspicion some circumstances in Mr. Rolls' conduct might have been, and however his want of explicitness was to be regretted, he must declare that his conduct had been always that of an honest man. He regretted that the Commissioners of Customs had persisted in their original opinion. It seemed to him that the Commissioners had not enough considered the additional circumstances which were subsequently brought to light. As far as he was individually concerned, therefore, he was desirous that any inquiry should not be stifled; but, upon the whole, he thought it better that he should not vote upon the question before the House.

Mr. *F. T. Baring* thought the noble Lord who had just sat down had spoken very fairly considering the position in which he was placed in conducting this inquiry. He regretted that allusions had been made to the system of promotions and appointments at the Customs. Those promotions and appointments were much better left to the Treasury than interfered with by votes of this House. Nevertheless he could not but think that Mr. Rolls had been hardly dealt with, and he concurred with his hon. Friend in hoping his case would not be prejudiced in consequence of this Motion.

Amendment negatived.

Order of the day read.

INCENDIARISM IN SUFFOLK.] On the Motion that the Speaker do leave the Chair,

Mr. *M. Gibson* said, it was now his intention to bring forward the Motion of which he had given notice relative to the incendiarism now prevalent in the counties of Norfolk, Suffolk, Essex, and Cambridge. He did so because he felt a question of this importance did not stand in that position in which it ought to do, inasmuch as the explanations given on the subject in that House had not produced the impression on the public mind that a full inquiry had made into the subject, or that there might not be on the part of the Government considerable misapprehension as to the causes of these atrocities. He was aware that during the last week or two, and at the present moment, these awful crimes had somewhat subsided, but so short an interval could scarcely be relied on, and he thought this ought to be an additional reason for inquiring into the condition of the peasantry, and endeavouring to trace, as far as they could, into the causes of discontent which had given rise to them. The extent of the crime of Incendiarism had been very great during the last six or eight months; so much so, that he believed he spoke within the mark when he stated, on information which he had received, that considerably more than 100 separate offences of this kind had been committed in the county of Suffolk alone, and he believed upwards of 200 in the two adjoining counties. He had it also from good authority, that insurance-offices which insured something like 4,000,000*l.* of agricultural property had lost more than four times the amount of all the premiums paid to them on insurances of this description. If, therefore, these incendiary practices continued, the insurance-offices must either increase their rate of insurance to such a degree as materially to restrict the insurance of agricultural property. which it was very desirable should be insured, or they must exclude from the insurance contract the risk of incendiary fires, just as they did that by civil commotion, foreign invasion, or other contingencies not within the ordinary calculation of chances. But although he had thus alluded to the pecuniary loss and the effects of these crimes on the insurance system, he still conceived it was a much more serious consideration to reflect, that during this short period they had seen in these counties so much malignant feeling, and such disregard for the rights of property, as had been evinced by these incendiary fires. They knew that various causes had been assigned for the discontent which it was alleged had originated incendiarism; and the Motion he meant to make was for an Address to the Crown to send into these counties trustworthy, discreet, and careful men, for the purpose of inquiring into the general condition of the agricultural labourers there, and to ascertain what were the grievances under which they were supposed to suffer. He had hinted to the right hon. Baronet a few nights ago, that he thought it would be desirable to issue a Commission for the purpose of inquiring into these matters; and the reply of the right hon. Baronet was not such as gave him to understand that he (the right hon. Baronet) was averse to such an inquiry, though he was not prepared to give his assent to it without further consideration. He trusted, however, that the further consideration which the right hon. Baronet had been able to give to the subject would induce him to assent to sending down some discreet persons to make this inquiry. He would not suggest that it should be made through the Poor Law Commissioners—not but that he should have the greatest confidence in them, and in any report which they might make to the House—but that it was said a feeling with reference to the Poor Law itself, amounting to a "detestation" of it, had given rise to the discontented and, consequently, he feared that any, report made by the Poor Law Commissioners on this subject would not be satisfactory to the public, but would be regarded rather as an attempt to make out the good working of the Poor Law than to show the actual condition of the agricultural labourer. The right hon. Gentleman, the other night, said, that trials were about to take place of many persons who were in custody charged with offences of incendiarism, and he suggested that it would be better to wait the result of those trials. Now he called on the right hon. Baronet rather to take a statesman's view of the question than that of a police-officer or administrator of the criminal law. He called upon him not to take what had been designated "a chief-constable's view" of this question. They wanted to go beyond the mere detection of particular offenders, and to ascertain what were the exciting causes of this crime, that, if possible, they might guard against it for the future. It might be said it was too much to assume that distress and misery were the causes of this incendiarism, since many persons were charged with the crime who were not in those distressed circumstances which could have urged them to commit it. But it was well known, nothing more so, that when considerable discontent prevailed among the labouring population, individuals were always to be found to gratify malignant passions, by doing the work of violence for those who deemed themselves suffering under oppression. He was induced on the best authority to think that in the eastern counties this incendiarism must be regarded as a symptom and a proof that a dangerous and deep-rooted discontent was smouldering amongst the labouring population. He was using the expression of a Gentleman whose name would carry great weight in that House, and who was the best authority on this subject in the county of Suffolk — he meant Sir H. Bunbury—who, in a letter recently published in the public papers, said, "I must avow my conviction that these incendiary crimes are symptoms of smouldering and dangerous discontent." He thought it right, therefore, to call upon the Government to send some persons in whom they could confide, to investigate the truth of the different allegations respecting the cause of these outrages. He thought it peculiarly right to call upon the Government to do so, considering that they upheld, in reference to the rest of the people, laws and restrictions which they only attempted to justify on the ground of the well-being and happiness of the rural districts. They avowed that it was their first duty to maintain order, morality, happiness, and prosperity among the rural population. Other classes were called on to make sacrifices for this express purpose — trade was interfered with, and restrictions were upheld, to maintain those scenes of rural felicity which the right hon. Gentleman once said would cease if the Corn Laws were abolished. He considered, therefore, that this gave him a peculiar claim to call upon those who took upon themselves to sacrifice other interests to maintain the good order and happiness of a particular class to institute an inquiry, when they were informed on so high an authority as Sir H. Bunbury, that the incendiarism which prevailed was symptomatic of deep and dangerous discontent among the rural population. He knew it had been alleged, and Sir H. Bunbury mentioned it, that the New Poor Law was the cause. But he wanted to know if it were the New Poor Law? It was said, that under the Old Poor Law and the allowance system, and when the amount of out-door relief given to the poor was considerable, incendiarism prevailed to as great an extent as it did at present. It had existed under the old Poor Law; it now existed under the new; and, therefore, he concluded, that something beside the mere mode in which relief was administered had given rise to those feelings among the rural population. Considering the great number in this country who were driven, from want of employment, to parochial relief for their support, he much doubted whether any system could be adopted by which they could avoid complaints against the administration of the Poor Law. He himself had witnessed even the distribution of coals, raised by subscription for the poor, give rise to as much bickering, bad feeling, and charges of favouritism, as the administration of legal relief. No doubt similar cases would occur to hon. Gentlemen opposite. In these counties there were many charitable subscriptions to relieve distress; but all these were temporary expedients, resembling that of the charitable sermons which the Government appointed to relieve the manufacturing population, and were not likely to be permanently effectual for the relief of the agricultural labourer. With regard to the other statements of the operation of the New Poor Law without going into the question, he could not help feeling that there might be some truth in saying that the labouring classes were prejudiced against it. But he did not think it was the main cause of the present alienation of the peasantry from the landowners and occupiers in those counties. He believed that no class in this country comprised men better disposed, more industrious, more willing to bear up cheerfully against the pressure of distress, than the agricultural population of the counties he had mentioned. He believed that no class in this kingdom—and he spoke from his own personal knowledge of them—could be so well brought forward as instancing general good conduct and industry as the agricultural population of the eastern counties. He could not help thinking, therefore, that the pressure must be strong indeed, and the discontent very deeply rooted, which could induce men, naturally so well disposed, to give almost direct encouragement to the commission of so awful and horrible a crime as that of incendiarism. He saw the hon. Member for West Norfolk in his place, and he could not help regretting the remarks he made to the Secretary of State for the Home Department, when alluding to the conduct of the Lord-lieutenant of Norfolk. The hon. Member seemed to him to overlook altogether the pressure of distress and the effect of want and despair upon men's moral perceptions. He seemed to take the old view which had been so long relied on, and with so little effect, that nothing could be done but through the instrumentality of the dungeon and the gibbet. The hon. Member had not used these words, but still he inferred from the question he put, that he found fault with that exercise of mercy which the Secretary of State had felt it his duty to recommend to the Crown, in the case of two persons convicted of incendiarism. He would not say the hon. Member actually made such a remark, but any one who heard his question would infer, that in those cases he impugned the judgment of the right hon. Gentleman the

Secretary for the Home Department. In his opinion crime had thriven under severe penalties, and never would be put down by an increase of capital punishments. Before the hon. Member ventured to question the exercise of the royal prerogative of mercy, he ought to have recollected for how many crimes the State was answerable. By bad legislation the wants of the lower orders had been augmented; they saw themselves neglected, and that nothing was done to mitigate the evils under which they suffered. Such a course could not conciliate the lower orders or tend to diminish crime. There certainly was a growing feeling among the labouring classes, that all legislation was in favour of the middling and upper ranks of society, and that as long as the wealth of the rich was swelled, the poverty of the poor did not merit consideration. Even the Clergy had contributed to nourish this feeling, and a distinguished divine had very recently printed a letter to the Duke of Richmond, which having appeared in the London papers, was soon transferred to the weekly journals circulating among the labourers of the country. He would take the liberty of reading an extract from it:—

"At a meeting lately held in London, a deputation of landowners and tenant-farmers waited upon you, and of course did all in their power to apprize you of the dangers that threaten and the difficulties that now beset them; but I do not find that any one appeared at that meeting to represent the agricultural labourer. . . . And now I will only add, that if your Grace will kindly accept this assistance—if you and your Colleagues will only give to the labourers' condition one half the attention you have given to the condition of the landlord and tenant, and the improvement of the condition of your cattle—I have no doubt but that you will arrive at the conclusion at which I have arrived—that there is no one creature belonging to the farm, there is not an animal you rear, to use or to sell, that has been the subject of so much neglect, in everything that tends to his improvement, as the labourer. Compare the way he is housed, fed, clothed, and valued, with the way in which the animals he tends are treated in these particulars, and then answer to the public and to yourself—why in the present agitation is he overlooked?"

Such was the language of the Rev. Godolphin Osborne, a gentleman of unquestionable authority, and possessing great local influence, and thus it was seen that the pastors of the people themselves propagated the notion, that the welfare and interests of the lower orders were disregarded by the higher. When, in answer to this, augmented penalties were asked for, could it be wondered that alienation was increased? It had been urged, that in some of the manufacturing districts, disorder had been produced by the want of pastoral care—by the absence of a sufficient number of clergymen; but, in the district to which he was now adverting, it could not be said that there was any deficiency of spiritual instruction, if the abundance of the Clergy might be taken as a test. The true deficiency was a deficiency of physical comforts; and what did the Rev. Godolphin Osborne state upon that point?—

"Neither law nor gospel can avail, when hopeless indigence has made a man hate the power that checks him in getting the food he needs, but cannot earn; when he sees, in a land of churches, the poor left to struggle how they may against circumstances that keep them down in the very lowest stage of civilised existence—a stage in which they find much in the condition of the brutes about them to envy."

He (Mr. M. Gibson) entirely concurred in these expressions, and did not think that any extension of Church accommodation, any increase in the number of clergymen, any attempt to keep up the price of corn by legislation, would conciliate the working classes, or would ward off at some future day the serious disorganization that might be anticipated, looking at the limited surface of our island, and at the rapid growth of population. Increased population had been assigned by some as the cause of distress; and the hon. Member for East Norfolk, some time ago, attended a meeting where he recommended the production of flax as a means of giving employment to the poor. He had to charge Gentlemen opposite, though he was sorry to make a charge on a matter of this nature, because he wished to say nothing the least intemperate, and most sincerely desired that the right hon. Baronet would agree to his Motion, and send down Commissioners to inquire; but he must complain of Gentlemen opposite fo strengthening prejudices among the labouring classes—prejudices upon subjects which were very likely to lead to acts of violence and incendiarism. There was no doubt that machinery had lately been much applied to the purposes of agriculture — there were threshing machines, machines for hoeing wheat, and for other purposes; in fact, the peasantry saw machinery supplying the place of manual labour, and the argument on this subject, applied to the manufacturing districts, might, to a certain extent, be applied to the agricultural. At public meetings on the Corn Laws, landed gentlemen had not hesitated to revile the manufacturers, and to utter tirades against the use of machinery. No argument was more in vogue than that the use of machinery in manufacturing districts was the cause of distress; and agricultural labourers finding that such an argument had been employed against others would not fail to apply it to their own cases. The labourers were aware that the indifference shown to the manufacturing operatives existed as regarded themselves. He charged landed gentlemen with augmenting these prejudices—and he farther charged them with doing it for party purposes—to excite a feeling against the manufacturing interest, and now it recoiled upon themselves. Then, again, on the question of wages, a similar attempt had been made to delude the poor labourers, and it was said that the farmers gave too low wages. The fact was that the farmers could not give what wages they liked, for they must be regulated by circumstances over which they had no control. Nevertheless, landed gentlemen endeavoured to produce a prejudice against the farmers, that they were screwing their labourers down to the lowest amount of wages, and not doing them justice. This was a most improper statement to make. [An hon. *Member*: Who made it?] It had been made repeatedly. Great incredulity was affected whenever the statements of the *Times* on the Poor Laws were mentioned; but he (Mr. M. Gibson) believed that what was said by its correspondent on the question on wages was true. A farmer who held only a small quantity of land, as he could not increase that quantity, and was required to increase his rent, being afraid of being outbid, was driven to save where he could, and that saving must come out of the pockets of the labourers. But rendering the barrier between the manufacturing and agricultural classes more impassable, was to augment the difficulty, and to promote emigration to the manufacturing districts. Labourers were redundant, farmers were obliged to pay higher rents, and the money saved out of the wages of the labourer found its way into the pocket of the landlord. He would also direct attention to the promises of protection held out up to a recent period, promises that the price of grain should be maintained by Act of Parliament. He was happy to say that confidence in the durability of that protection was not so great as it had been. He had been lately in the country for change of air, and had made it his business to inquire into the subject, and he found that even the last declaration of the Head of the Government was considered somewhat equivocal. He had felt it his duty to increase that opinion, and he would continue to do so while he saw the present uncertainty, and felt that there was no real intention to maintain the Corn Laws for any lengthened period. Interested as he was in the prosperity of the occupying tenantry, he had thought it his duty to caution them not to build on a rotten foundation—not to trust to a broken reed. Such, he believed, was the opinion of the agricultural tenantry, and as far as it went it was conducive to good. The more the farmers were disposed to rely upon natural instead of artificial prices, the more profitable would be their business, and they would thus be enabled to employ agricultural labourers at fair wages, and to carry out the various improvements in agriculture. Agricultural labourers were deeply interested in the prosperity of the farmer, and the prosperity of the farmer depended upon his belief that Parliament would do nothing for him. He called upon the right hon. Baronet (Sir James Graham) to meet him fairly upon this Motion, and he trusted that he would pardon him for having said one word which might indispose some Gentlemen to concur in a proposal for inquiry. It was not unprecedented; not long ago an inquiry had been instituted into the condition of the Aborigines, the Hottentots, and the Esquimaux; and why should not an inquiry be undertaken into the state of persons severely suffering at our own doors? Some might urge that there was no distress, but there could be no doubt that the most grievous distress existed. Magistrates had stated, that where labourers did not perpetrate the crimes themselves, they looked on with a sort of satisfaction while the flames were destroying their neighbours' barns and stacks. The Chairman of the Bury Sessions, Mr. Bevan, was reported to have used these words:—

"At the occasion of the late calamitous fire at Tuddennam, while the populace did all they could to extinguish the flames, others of the Mildenhall people did all they could to promote the fire by casting fuel upon it. A certain magistrate who was present had said he had seen fuel placed on the fire, and could not prevent it."

More important evidence than even this had recently been obtained, and Professor Henslow had published a pamphlet containing the following:—

"Notwithstanding any assurances that I have heard to the contrary, I feel convinced that it is want of employment among the labourers which must be considered as the proximate of those motive causes to the incendiarism which has lately prevailed. The labourers themselves refer the fires to this cause; and although the great majority of them hereabouts acknowledge the folly and wickedness of incendiarism, some of the worst disposed refer to them too significantly not to have it understood that they are rejoicing in these exhibitions of infatuation and cruelty."

Although he would not for one moment assert that the whole body of the labouring population, or any large proportion of it, viewed incendiary fires with any other feelings than those of abhorrence; yet, when he found some of them talking with apparent satisfaction of what had occurred, it could not fail to increase his conviction that not only discontent but bitter hatred existed among them. He had put his Motion into writing, but he did not wish to confine the right hon. Baronet to particular words, if he would consent to send down a Commission, consisting of persons unconnected with the Poor Law, and likely to give an unbiassed opinion after an impartial investigation. His proposal would be in the form of an address to the Crown for a Commission to inquire into the discontents in the counties of Suffolk, Essex, and Cambridge, with a view to ascertain the causes of grievances under which the working classes there suffered. It might be said that he limited the investigation to two or three counties, but after that part of the subject had been gone through, if it were thought desirable to extend it, he should be most happy to do so. The result, he believed, would be to show that the condition of agricultural labourers was deplorable; and if the investigation were deferred much longer, the country would have to rue the delay. The hon. Member concluded by moving as an Amendment, that,

"An humble Address be presented to Her Majesty, representing to Her Majesty that there is reason to believe that the Incendiarism which has for some time prevailed in Norfolk, Suffolk, Essex, and Cambridgeshire, is caused by deep discontent amongst the labouring population of those counties, and praying Her Majesty to issue a Commission to inquire into the condition of the agricultural labourers in those counties, and to ascertain what are the grievances from which they suffer."

The Motion was then put from the Chair, and on the question that it be agreed to.

Sir *J. Graham*: Sir, after the speech which has been just delivered by the hon. Gentleman opposite, it seems to me that it becomes imperatively my duty to offer some observations upon the subject. During the delivery of the speech of the hon. Member for Manchester, I asked myself more than once, what is the object of the hon. Gentleman in delivering the sentiments he is now uttering. I could not fail to remember that the hon. Gentleman himself is a Suffolk country gentleman, and no doubt entertains suitable feelings of regard to the county with which he is connected, and thinking that it was hardly possible the hon. Member intended by his speech needlessly to fix public attention on those crimes which disgrace that district, I concluded the hon. Gentleman had been impelled to the ungrateful task of making the speech he had just delivered by a severe sense of public duty. The hon. Member stated at the early part of his speech what is quite true. I heard the statement with satisfaction, and if he had not made it I should have felt it to be my duty to communicate to the House the fact, that although a crime so disgraceful as incendiarism has a tendency to spread, and is of a contagious nature, it is rapidly diminishing in the counties where it is said to be prevalent; and this makes it the more extraordinary that the hon. Member, after making the admission, should have felt it to be his duty to address the speech we have just heard to the house. The hon. Member cautions me not to take a chief constable's view of the subject. I certainly shall not take any such view of it in the observations I am about to address to the House; but I think I am bound to observe to the House, that such a Motion as this must have a direct tendency to increase the number of incendiary fires. Discussions of this temper and kind relating to a crime which has become prevalent have generally had the effect of increasing the frequency of the commission of the offence. There is, Sir, such a thing as fanning the smouldering fire into a flame; and it may so happen that the hon. Gentleman, by provoking injudiciously a discussion such as the present, may cast fuel upon that flame, which true lovers of their country, would eagerly endeavour to extinguish. Why, I ask, is it that the hon. Gentleman has introduced so many topics of an exasperating nature, which have nothing to do with this discussion? Why has he introduced this accusation against this House, that the labouring classes are neglected by their representatives in Parliament, when we have been ceaselessly engaged for four days, both in the morning and at night sittings, in devising means to provide more effectual and comfortable provision for the destitute of that class? Whilst we, Sir, were so employed, the hon. Gentleman, as appears from his own confession, was engaged elsewhere in seeking that relaxation and recreation in which we would have gladly joined, had we not been engaged here in attempting, with much trouble and attention, and with more diligence than the hon. Gentleman can boast, to seek out the means of ameliorating the condition of such of the labouring classes as misfortune or indigence may have rendered fit objects of the law. What, I would ask, was the meaning of his allusion to the Committee of Inquiry upon the condition of the aborigines in distant colonies, to the Esquimaux, to the Caffres, and to the Hottentots, and to our comparative indifference to the condition of our own labouring population? What was, I ask, the meaning of his allusions to the cold hearted landlords of this country—what the meaning of his quotation from a rev. gentleman in corroboration of his statements? I may, with the utmost respect for the general character of the Clergy of the Established Church, be permitted to say that there are some indiscreet individuals, nay, unfortunately, there is to be found in the present day some popularity-hunting parsons as well as agitating Members of Parliament—men, who, though filling offices sacred, are unfortunately found arrayed against the charity and harmony and good will which it is their duty to attempt by all means in their power to inculcate amongst all classes. It can hardly escape the eye of a casual and inattentive observer what are really the objects of the hon. Member in introducing topics so irritating into his speech to night. I will assert, in answer to his assumption, that there is no need of appointing a Committee to inquire into this subject. I have already stated that the assizes, which are holden at this period, would throw, I hoped, some light upon the causes of incendiarism in the eastern counties, and I have had communications from the Judges, who are now on circuit trying these cases; in which they state that there has been no difficulty experienced in administering the law at the assizes in these districts; that witnesses come forward freely to give their evidence; that jurors have given their verdicts with impartiality and with just discrimination, finding the incendiary guilty, and giving to the accused, where there existed a doubt of guilt, the benefit of that doubt. I am told, moreover, upon good authority, that there are no symptoms discoverable of a generally discontented state of the public mind in these districts, and that the crimes which have been brought to light have been attributable to personal malignity, or have been perpetrated by very young offenders. I have been informed that convictions have taken place of four young persons arraigned, whose ages were eight, nine, ten, and twelve years; that a conviction had taken place of one young person at Huntingdon Assizes whose age was not more than eight years, in consequence of which I shall have to propose that the punishment of whipping shall be superadded to the usual punishment in respect to young offenders convicted of this offence. The House may remember that with reference to another class of cases to which I will not more particularly allude, in which juvenile offenders had sought a bad notoriety, this course was adopted with the best effect; and it has been suggested to me to follow the example then set with respect to this class of offences. I am bound to add, with reference to these juvenile incendiaries, that, as far as can be ascertained, they are incited to the commission of these offences by bad example, and by a desire to attain a bad notoriety; but, these circumstances appear to me to furnish no proof whatever of a generally diseased state of society in that district. On the contrary, there exist proofs that the crime of incendiarism for the last two or three weeks has decreased; the law has been vindicated and enforced without difficulty; and the number committed for trial is not so great as to occasion a departure upon the part of the Crown from the usual course of trial on such occasions, by appointing a Commission for the purpose of instituting inquiry into the causes of the crime of incendiarism. In respect to the other topics which the hon. Member has introduced into his speech, I do not apprehend that the course he has adopted, nor the language in which his charges were couched, nor yet the violent invectives which he dealt out so unsparingly upon a most respectable portion of society, I mean the county magistracy, will have the effect of inducing any large number of the Members of this House to countenance either his speech or the Motion with which it concluded. I am, and the House, I trust, will also be of opinion, that the effect of such a speech cannot be to diminish the inducements to the commission of a crime, to check which he affects to be desirous. My thorough conviction that both his ill-judged speech and the success of his Motion must have the effect of increasing the frequency of outrages we all deplore, renders it imperative upon me to give to the Motion my most decided opposition.

Mr. *Wodehouse* said, that other opportunities would be afforded of replying to by far the greater part of the speech of the hon. Member for Manchester; and he would therefore confine himself to noticing one or two points which, in his opinion, demanded immediate attention. The hon. Member had distinctly charged him with presuming to call in question the exercise of the Royal clemency. He distinctly denied any such intention. The case to which the hon. Member opposite had referred was one of a peculiar nature; it was that of two persons tried for incendiarism, who were found guilty, and sentenced to fifteen years' transportation each, but who a few weeks afterwards received a free pardon. The hon. Gentleman had charged him with being the advocate of vengeance and cruelty; but he was at a loss to know on what ground that charge rested. It was, in fact, the invention of a heated mind. He was convinced that if the hon. Member for Manchester inquired into this question he would find that the fires did not result from the ill-treatment of the labourers. Several charges of incendiarism were now pending in the county with which he was connected, and therefore to them he would not allude; but he might be allowed to mention one or two cases which were past. In one case, a boy eleven or twelve years old was tried for incendiarism on a farm of Lord Stafford's, where he was employed, and where there had been three fires; but the case could not be brought home to him. The next case was that of a deaf and dumb man, who was charged with incendiarism on Lord Leicester's property. He was convicted, but a memorial was presented to the Secretary of State in his favour, and a poor woman who had given evidence against him was burnt in effigy. One of the hon. Members for Sussex could testify that eight fires had been kindled in that county by one man, who had nothing whatever to do with agricultural pursuits, but who was a cooper by trade. It was his opinion that the discontent to which the hon. Member referred was mainly to be attributed to (he could not use a more appropriate phrase) the nonsense circulated by the hon. Member and those who generally acted with him on the subject of wages. When the hon. Member accused him of desiring to interfere with the Royal mercy, the hon. Member had not the slightest foundation for his statement. He gave that charge the most unqualified contradiction.

Mr. *Darby* should not have risen if it had not been to reply to some imputations contained in the letter which the hon. Member opposite had in the course of his speech read to the House with reference to the conduct of the Duke of Richmond. The hon. Member had thought proper to make an attack upon hon. Gentlemen connected with the agricultural interest, by charging those gentlemen with having at agricultural meetings excited the prejudices of that portion of the population against those connected with the manufacturing districts. It was not his intention to say anything in the way of retort to the hon. Member; but he would ask the hon. Member what object he had in view when he and his friends visited the agricultural districts and told the farmers that Her Majesty's Government, contrary to their expressed declaration, intended to alter the Corn Laws? Did that not look like party excitement? The hon. Member had thrown out certain imputations against the conduct of the Duke of Richmond. Only this very Session the Duke of Richmond had attended a large meeting of labourers at Goodwood, with the view of promoting their interest. He felt assured, and he spoke the opinion of many hon. Members in this and the other

House of Parliament, no one had paid so much attention to the condition of the labouring class, and no individual was so much beloved by the labourers, as the Duke of Richmond. That was the opinion of every person conversant with the character and conduct of the Duke of Richmond, particularly of those resident in the neighbourhood of the Duke's property. Now, with regard to the Motion which the hon. Member had submitted to the House, he thought that the hon. Member had not selected the most fortunate time for the discussion of such a subject. It was a well-established fact, that the discussion of the causes of particular crimes at the period when those crimes were being committed had the effect of increasing those particular offences. No matter what crime it was, persons conversant with the administration of the law knew that there existed in the minds of many persons a morbid desire to make public statements, and that this publicity invariably led to the commission of similar crimes. It was well known, also, that particular crimes prevailed at particular periods, and that circumstances ought to be taken into consideration in discussing the subject. He was anxious, in connexion with this subject, to bring under the notice of the House a fact which occurred in the neighbourhood of Battle. Eight fires had taken place in succession. It was the opinion of many persons these places were fired by a disaffected person connected with the agricultural districts—that they had their origin in agricultural distress. Such, however, turned out not to be the fact. It was proved that one man, without any concert with any other person, had committed every one of these crimes. This man was tried and convicted. He was found to be, instead of an agricultural labourer, a cooper. He set fire to the stack hoping, as he afterwards confessed, by so doing that he should burn his house and thus be enabled to reside in the town instead of the country. He thought that the hon. Member opposite had exhibited a want of fairness in bringing under the notice of the House a question so general in its nature, and therefore he should consider it his duty to vote against it.

Mr. *Bright* said: I have observed ever since I have had a seat in this House, and also from what I had previously read of its proceedings, that there is always a very strong disinclination to inquire into anything connected with the agriculture of the country, and that the convenient time for such an inquiry never arrives. Why is all this extreme sensibility, except from the fear that inquiry might lead to some explanations on a subject which I deem all important, but which hon. Gentlemen opposite seem to think it intrusive to trouble the House with? The right hon. Gentleman refuses to grant the inquiry now proposed by my hon. Friend, the Member for Manchester, and has thought it right to taunt him with the fact of his having been enjoying himself in the country, whilst the right hon. Gentleman was engaged in looking after the interests of the poor, in legislating on the amended Poor Law. It was an excellent occupation, and some legislation is, doubtless, much needed; but it may be just as useful that some Members of this House should be endeavouring to discover the causes of pauperism with a view to its prevention, as that others should be engaged in devising schemes for its temporary relief. The right hon. Baronet has also thought fit to apply the term "popularity-hunting parson" to an authority quoted by my hon. Friend. Nothing is more easy than to use epithets of this kind, and nothing is more common than for persons in a debate to attempt to ride off upon some such phrase, rather than grapple with the facts and arguments brought forward. And who is this popularity-hunting parson? He is a man of aristocratic family, and has the prefix "honourable" to his name; he is a clergyman of the Established Church, and men of such a class are not generally chargeable with a dangerous amount of sympathy for the poor. No one connected with the county of Dorset can fail to know, that Mr. Osborne is a man indefatigable in the discharge of the duties of his office, and anxious to mitigate the sufferings and to better the condition of the poor around him; and he may well afford to despise the taunts and insinuations of the right hon. Gentleman. The right hon. Gentleman has alluded to the information he has received from the Judges now on circuit, as a reason why the inquiry is now unnecessary. Doubtless, witnesses may be found to give evidence and juries to give honest verdicts; and it is also true that for some days past the fires have been less frequent than before; but are we to suppose from this, that the cause of these dreadful outrages is removed, and that we may not again be startled by the recurrence of them? Many threatening letters have been received in various parts of the county of Suffolk; and I suppose it was only because my hon, Friend, the Member for Manchester, did not wish to add to the alarm which already exists, that he did not mention some facts which have recently come to his knowledge, and which go to prove that the destructive and vindictive spirit still prevails, and that there is great risk of its assuming even a more dangerous character. Hon. Gentlemen opposite have spoken of the question of wages, so little understood by the labourers generally. Now, I can truly say that among all the meetings held by my hon. Friend, the Member for Stockport, and myself, in the rural districts, there is not one at which we have not endeavoured to elucidate the question of wages, and to show to the farmers and labourers that the amount of wages did not depend so much upon the will of either party, as upon the number of labourers in relation to the amount of work to be done; and if the hon. Gentlemen opposite, in this House, and at their meetings in the country, had taken the same course, much of the ill feeling which now exists between the employed and the employers in the manufacturing and agricultural districts would have been spared. But hon. Gentlemen opposite are unwilling to inquire; we can never catch them in the right mood. One of the earliest questions of the present Session was a Motion of my hon. Friend, the Member for Stockport, for inquiry into "the effect of protective duties on the interests of the tenant-farmers and farm-labourers." The President of the Board of Trade did not strongly object to it on any ground of apprehension in his own mind, but there was a sensibility which recoiled, not only from touch, but from sight, among the country Gentlemen and in order that he might not alarm them he decided to refuse the inquiry. Then, again, the hon. Member for Manchester suggested an inquiry into the produce of the agriculture of the country. You know how much cotton is imported, manufactured, retained for home consumption, or exported, and these statistical Returns are deemed very important; and why should we be kept in total ignorance about the produce of the soil? The Government admitted that the proposition was an important one, and promised some attention to it; but there was evidently a great timidity on the part of many of their supporters. Surely there must be something very rotten and hideous beneath the surface to create all this jealousy and this fear lest any investigation take place. But why is the Motion of to-night refused? The right hon. Baronet says the fires are less frequent, and nobody in the disturbed districts wishes an investigation. Now, at a meeting of the farmers and inhabitants of the parish of Rattlesden, to take into consideration some statements in the *Times* paper, there was great anxiety expressed that an inquiry should be made; here is one of their resolutions:—

> "We are anxious and desirous that Her Majesty's Government should immediately issue a Commission to inquire into the true condition of the poor in the agricultural districts, and into the causes of the alarming and increasing spirit of incendiarism which unhappily prevails."

This is the opinion of persons who do not agree with the *Times* or with us, but who see the necessity of the case; and I do think that the Government fail in their duty if they allow these desperate outrages to continue without endeavouring to discover the true cause of them, that the true remedy, if there be one, may be applied. I am sure the taunts of the right hon. Baronet, and of hon. Members opposite, will fall harmless upon my hon. Friend who has brought this Motion forward. He is a Suffolk landowner, and a Member of this House, and as such has performed his duty in bringing on this question. For nine months at least have the incendiary fires been raging; some hundreds of fires have taken place, and yet not one of the Members for the counties in which they have chiefly prevailed has thought it his duty publicly to ask the attention of the Government to a state of things so alarming. Why, Sir, if Lancashire or Yorkshire had been thus troubled, if not 250 fires in nine months, but if one fire in each month had occurred, how great would have been the interest taken in the state of the manufacturing districts by Members opposite, and how loud their condemnation of the conduct of the manufacturers to those they employed! I ask the Government if they consider this subject of incendiarism alarming or not? Is it nothing that insurance offices should be at their wits' end, and be losers of sums so large as to make it doubtful if they will continue to insure farming stock? Is it nothing that farmers are in a state of constant alarm, having a watchman to guard every homestead from the torch of the incendiary? Is it nothing that the demoralization of the unhappy peasantry should be completed? Is it possible that one of the worst crimes human nature can commit should be going on over several counties for many months, and that Government should have no concern about it? If, however, the Government refuse to appoint a Commission, the *Times* and the *Chronicle* have not forgotten their office. Their reporters differ greatly in one point, but on the truly important one they are perfectly agreed. The *Times*, says the New Poor Law, is the main cause of incendiarism, and the *Chronicle* asserts that this is not the fact, because the crime existed under the old Poor Law; but both Reports come to the conclusion that security to property is not compatible with the terrible distress which exists among the labouring population of those counties. It may be true that the New Poor Law is harsh in its operation. Only yesterday I passed through a part of the county of Kent, and met one of the supporters of the right hon. Gentleman the Paymaster of the Forces (Sir E. Knatchbull); I asked him if the Poor Law has worked harshly to the poor? His answer was, that the Clause making 25*l.* a year of rent the qualification for a guardian was very unfair and injurious. In many unions none but farmers could be guardians under this Clause; and thus the labourer when seeking relief had to apply to the very men from whom alone employment was to be had, and was subjected to every description of hardship which farmers and guardians chose to inflict upon him. But if it be granted that the Poor Law is a harsh measure, and I willingly grant that it is, we must never forget that a man has other evils of no light character before he feels the Poor Law. Distress and poverty have attacked and overcome him before the Poor Law finds him, and he must be a miserable legislator indeed who fancies that any change in the Poor Law could secure permanent comfort to the people. The great and all-present evil of the rural districts is this,—you have too many people for the work to be done, and you, the landed proprietors, are alone responsible for this state of things; and, to speak honestly, I believe many of you know it. I have been charged with saying out of doors that this House is a club of landowners legislating for landowners. If I had not said it, the public must long ago have found out that fact. My hon. Friend the Member for Stockport on one occasion proposed that, before you passed a law to raise the price of bread, you should consider how far you had the power to raise the rate of wages. What did you say to that? You said, that the labourers did not understand political economy, or they would not apply to Parliament to raise wages; that Parliament could not raise wages; and yet the very next thing you did was to pass a law to raise the price of the produce of your own land at the expense of the very class whose wages you confessed your inability to increase. What is the condition of the county of Suffolk? Is it not notorious that rents are as high as they were fifty years ago, and probably much higher? But the return for the farmers' capital is much lower, and the condition of the labourer is very much worse. The farmers are subject to the law of competition, and rents are thereby raised from time to time so as to keep their profits down at the lowest point, and the labourers by the competition amongst them are reduced to the point below which life cannot be maintained. Your tenants and labourers are being devoured by this excessive competition, whilst you, their magnanimous landlords, shelter yourselves from all competition by the Corn Law yourselves have passed, and make the competition of all other classes serve still more to swell your rentals. It is for this object the Corn Law was passed, and yet in the face of your countrymen you dare to call it a law for the protection of native industry. The hon. Member for East Norfolk smiles, and probably pities the ignorance which can make statements like these, so contrary to the rules of his political economy. The hon. Gentleman has probably asserted at farmers' meetings that this law is for the protection of native industry. How have you protected it? You have limited the supply of food and the field of employment, but you have not prevented the increase of the population or of the number of labourers. You have protected yourselves only by your legislation. Take the county of Suffolk as an example. I find that in that county for the quarter ending Lady Day, 1843, out of a population of 314,722 persons, there were 39,489 receiving parish relief, being 13 per cent., or more than one in eight of the whole population. In the county of Essex, out of a population of 320,818, there were 44,694 receiving relief, or 14 per cent., or about one in seven of the whole population. In the county of Norfolk, out of a population of 343,277, there 37,666 receiving relief, or 11 per cent., or about one in nine of the whole inhabitants of the county. Is this not a proof that you do not find employment and wages for all your population? And other evidence is not wanting. From the late census it appears that the increase of the population throughout the country has been 14 per cent. during the ten years, from 1831 to 1841. There is no reason to suppose the number of births above deaths to be smaller in Suffolk than in other counties. Now, of this increase of 14 per cent. in ten years how much was maintained upon its own soil? Not more than 6 per cent. of increase, and the remaining 8 per cent. have been driven away to other counties by the necessities of their position. If we look to the chief agricultural counties, we shall find they do not on the average retain half the real increase of their population. The increase of population during the ten years has been, in Buckingham, 6·4 per cent.; in Cumberland, 4·9; Hereford, 2·4; Norfolk, 5·7; Oxford, 6·2; Westmorland, 2·5. These are purely agricultural counties, and, although so many have left them, yet they are the counties which complain most of a surplus population. The following counties have found room for about half their natural increase:—Devonshire, 7·8; Salop, 7·2; Somerset, 7·8; Wilts, 7·7; North Riding of Yorkshire, 7·0; and Essex, 8·6. As it is evident these counties have got rid of some portion of their natural offspring, let us see where the outcasts have found a home. The increase in Monmouth has been 369 per cent.—railroads and steam-engines, and the increased consumption of iron, of course, account for that; Lancashire shows an increase of 24·7; Durham, with its mines, 27·7; Staffordshire, 2·43; Cheshire, north division, with its manufactures, 18·3; Warwickshire (Birmingham and its district), 19·3; and the West Riding of Yorkshire, 18·2. These are manufacturing counties; they provide for their own increase of population, and find a home for those you cannot support in the agricultural counties. If these statements be correct, how dangerous must be a system of protection which diminishes the demand for labour! The free competition under free-trade would stimulate a better cultivation of the soil, and find increased and steady employment, whilst extended and prosperous manufactures would give great additional employment and wages to the people. You mistake altogether if you fancy you have got rid of this question. If the League would even cease to trouble you, there is a more formidable and more unrelenting foe coming upon you. The increase of population will force a settlement of this question; and so long as it remains unsettled, you will have to sustain a constant return of the difficulties which now embarrass you. This House is responsible for the state of things in Norfolk, Suffolk, Essex, and Cambridgeshire; it springs from your legislation; and nothing can permanently heal it but a change in your policy, and a common-sense course of proceeding with respect to the trade of farming. Hon. Gentlemen opposite seem wholly to forget that property has duties as well as rights. I would not greatly complain if *quod tuum tene* were your motto and your rule. But you are not content with your own. Your acres are yours, but the labour of the people is not; and you have no right to enhance the value of your estates by a system of spoliation on the estates of all other men. Do you want proof of your disregard of all rights but your own? You have a law to raise the price of the produce of your land, and great fluctuations in the price occur. The farmers are often ruined in great numbers. In one Suffolk paper last year, I saw ninety-eight advertisements of the sale of farming stock, showing how many changes of tenancy were taking place. Prosperous farmers do not change much. Are these changes hurtful to the landlord? To some small extent they may be so; but you have cunningly devised another law, by which, when your tenant can go on no longer, you sweep off everything he has left to satisfy your demand for rent, and often and almost always leave the other creditors without a farthing. Your tenant probably owes money to his wheelwright, his grocer, or his draper; but the landlords' law of distraint for rent sweeps all away, and no dividend is left for them. You shelter yourselves thus from the consequences of the farmer's ruin. He leaves his farm; you see him take himself off along the high road; another tenant succeeds him; a fierce competition makes him give even a higher rent than his predecessor, and he runs the same career of hopeless struggle, and at last sinks into the same ruin. Again, see how you treat the tenantry in respect of preserving game. Have you nothing to answer for on this score? A noble Lord, a relative, I believe, of the hon. Member for East Norfolk, lately spoke of or quoted, in another place, a Mr. Neave, whom he described as a very respectable man. What says Mr. Neave about the game? A letter in the *Times* says, "The farmers, with much justice, complain of the enormous quantity of game. They say they are quite eaten up by it." I quote Mr. Neave, by his permission, as my authority for saying, that the game in several parishes destroy more food, and deprive the farmer of more means than would keep all the poor of the parish. Mr. Neave instanced one farm to me of 400 acres, on which last year upwards of 2000 rabbits were killed. It is said that five hares consume as much as a sheep (and this is too low an estimate, as a hare destroys more than it consumes); suppose seven rabbits do this, and you have on this farm the rabbits consuming as much food as 300 sheep would. The farmers dare not destroy them; they would forfeit their leases if they did; they dare not even complain, or they would be looked upon as dissatisfied characters, and be got rid of at the termination of their leases. Again, "a rural police is kept up by the gentry, the farmers say, for the sole use of watching game and frightening poachers, for which formerly they had to pay watchers." Is this true, or is it not? If not, let some hon. Gentleman get up and deny it, and prove it to be false, and I for one will never again repeat these charges either here or elsewhere. I say, then, you care everything for the rights, and for something beyond the rights, of your own property, but you are oblivious of its duties. How many lives have been sacrificed during the past year to the childish infatuation of preserving game? The noble Lord the Member for North Lancashire, were he present, could tell of a game-keeper killed in an affray on his father's estate in that county. For that offence one man was hanged, and four men are now on their way to the penal colonies. Six families are thus deprived of husbands and fathers that this wretched system of game-preserving may be continued in a country densely peopled as this is. The Marquess of Normanby's gamekeeper has been murdered also, and the poacher who shot him only escaped death by the intervention of the Home Secretary. At Godalming, in Surrey, also a gamekeeper has been murdered; and at Brickhill, in Buckinghamshire, a person has recently been killed in a poaching affray. This insane system is the cause of a fearful loss of life; it tends to the ruin of your tenantry, and it is the fruitful cause of the demoralization of the peasantry. But you are caring for the rights of property;—for its most obvious duties you have no concern. With such a policy what can you expect but that which is now passing before you? It is the remark of a beautiful writer, that "to have known nothing but misery is the most portentous condition under which human nature can start on its course." Has your agricultural labourer ever known anything but misery? He is born in a miserable hovel, which in mockery is termed a house or a home; he is reared in penury, he passes a life of hopeless and unrequited toil, and the gaol or the union-house is before him as the only asylum on this side the pauper's grave. Is this the result of your protection to native industry? Have you cared for the labourer till, from a home of comfort, he has but a hovel for a shelter, and have you cherished him into starvation and rags? I tell you what your boasted protection is—it is a protection of native idleness at the expense of the impoverishment of native industry. The hon. Member for West Suffolk (Colonel Rushbrook) has been understood to advocate a resort to the punishment of hanging for the crime of arson. I confess I am surprised that any man at this time of day should make such a proposition. If there is one thing more clearly proved than another it is this, that capital punishments fail to prevent crime. I have here a return of the number of committals, convictions, and executions for incendiarism, during the six years from 1831 to 1836, and for the six years from 1837 to 1843. In the former period there were 493 committals, 119 convictions, and 58 executions. Imagine, for a moment, the state of things in which not less than 58 human beings had been put to death, and 32 of them in the space of two years, for the single crime of burning. This horrible and most unchristian punishment has since been abolished for this crime. It is the proudest boast of the late Ministry that they did so much to mitigate the severity of our criminal code; and I trust the present Administration may hereafter be entitled to equal praise for similar changes during their tenure of office. From this return it appears that from 1837 to 1843 the number of committals was 344, of convictions 117, and of executions none. It will be observed, that the convictions are more in proportion to the committals in the latter than in the former period, owing, doubtless, to the repugnance of juries to convict when death was to be the penalty; thus choosing the side of mercy rather than give a verdict according to evidence which would consign a fellow-creature to death. I believe there are many persons in the counties where incendiarism prevails, who are anxious for the restoration of capital punishments. Hon. Gentlemen opposite may not wish it, but some of those they represent do. This wish arises from the apprehensions under which they live; cruelty and fear generally go together. They see no remedy, and probably many of them make no efforts to discover one; they therefore turn to this desperate and inhuman punishment as a means of suppressing this appalling crime. The hanging of incendiaries will do no good; their crimes cannot be put down by halters and penal colonies. These have been tried before and they have failed, and they will fail now if tried. You know that your peasantry are poor, helpless, hopeless, and despairing; and yet not one of you has ever proclaimed the sad condition of your labouring population; no, you have left that task to others, to my hon. Friend here, whilst you have done all you could to conceal it. You taunt us with a wish to produce discord in the rural districts; I throw back the imputation with the scorn it deserves. You have laboured long and hard to provoke discord in the north of England; your newspapers and your hired agents have done their worst; whilst, on the other hand, we have had no meeting in your counties at which we have not explained the true principle of wages, endeavouring to soothe the minds of the labourers, and to soften their feelings towards the farmers. But what has been your conduct to your tenantry? Instead of showing them how worthless is the policy of protection, and how rotten and precarious as a resource for their prosperity, you have taught them wholly to rely upon it. Instead of showing them how certainly free-trade was approaching, you bade them rely on the *dictum* of the right hon. Baronet. You have magnified the difficulties which free-trade presents to them As foolish nurses frighten children with tales of hobgoblins, so you have worked upon the ignorance and the fears of your tenantry, and your conduct in these respects has been as absurd as it will prove itself injurious. Surely your policy has had a sufficient trial; your farmers are not prosperous—" protection to native industry" has placed your labourers in hovels, gaols, and union-houses. Try something else: it is not the halter and the convict-ship, but a little justice, a little fair dealing, a little common humanity, a little common sense, that your peasantry require at your hands. Your labourers are every day increasing in numbers—you have no employment for them —what are you to do? The time is coming when you will know what to do: it may then be too late. Your ancestors 400 years ago were as wise as you, and you are as benighted as they were. From a law passed in 1441, it appears the landowners of that day thought and said, that " the people engaged in husbandry were greatly endamaged by reason of bringing grain from beyond the seas to sell in this country, to keep down the price of the grain of this country." Our ancestors 400 years ago were barbarians compared with our present population, and yet you have not abandoned one of their most childish follies. They had some excuse, you have none; with them restriction was the rule in almost every case, with us it is the rule in almost no case but your own; for them Adam Smith had not written, and political economy was unknown; they had no leaders, as you have in the present Administration, from whom you receive lessons on common sense and common justice as fast as you are able to bear them; and yet, with all your advantages, you have not made a step in advance for 400 years. But here you sit, representatives of the people, Legislators of this great commercial empire, making laws for your own exclusive gain, and denying the most natural and incontestible right of all men, the right to live by their industry, to the great mass of those for whom you profess to legislate. You, the magnanimous aristocracy of Britain, you own the soil, you boast of ancestry, you amuse yourselves with much painting on the panels of your coaches—and yet you make laws in this House to enrich your own class at the expense of millions, to whom you deny all political power; and to whom you give no protection whatever. For all this you must one day answer, and the worst I wish you is, that, when the time of retribution shall come upon the landed proprietors, it may please Heaven to visit them with more of mercy than they have ever shown to the poor of this country.

Colonel *Rushbrooke* said, that there were two charges made by the hon. Member against himself and his Colleagues the Members for Suffolk. One was that they had not come forward to suggest any mode for inquiring into or alleviating the distressing state of things at present prevailing in that county. Now, without making any display they had, in fact, had interviews with the right hon. the Secretary for the Home Department as to the subject of Suffolk. The hon. Member then said that he wished for the penalty of death for this crime of arson. Certainly, he did echo the expressions of a petition which he had presented, that in consequence of the wholesale amount of these fires it would be better that capital punishment should be held over the heads of these parties, that it might be exercised in extreme cases. Speaking from his knowledge of his own neighbourhood, he should say there was no destitution; what might be the case on the eastern side of the county he did not know. It had been said that lowness of wages was the cause of the fires. That could not be the cause, for near him there had been a number of fires, all of them where the wages were the highest. Then it had been hinted that a deep-laid scheme existed, but no such thing appeared; several of the fires had been the work of mere boys who had no pretence of distress to urge. As there had been no reports for several days of any more incendiarism, he hoped it was over, and he hoped that no one in that House would do anything to fan the flames.

Mr. *Bramston*, as Foreman of the Grand Jury of Essex, must protest against the taunt thrown out by the hon. Gentleman on juries and witnesses with respect to these fires. If the hon. Gentleman had shown that there had been any difficulty in obtaining convictions, he would have had a better right to taunt witnesses with giving evidence contrary to their consciences, and juries with returning wrong verdicts. [Mr. *Bright*: I did no such thing.] The hon. Member at least had said that it would have been very easy to obtain convictions, but if he had not meant to state what he had imputed to the hon. Member, he was very sorry, but he had put what he had thought was the fair interpretation on the hon. Member's words. If a Commission in the spirit of the speeches of the two hon. Gentlemen opposite had been sent down, he was sure that they would have had a general conflagration in Essex, the reason he rose was principally to state the opinion of the learned Judge who presided on the criminal side at the assizes for the county of Essex, Mr. Baron Parke, than whom there was no man more able or more respected for his talents throughout the country, said in his address to the Grand Jury that he regretted to find many instances of a crime which had become so common of late in this and the adjoining counties—the destruction by fire of ricks, stacks, hay, and other farming produce; but that it was satisfactory to find that the fires were not caused by the labourers in most cases, but by boys and girls of tender years. In none of these cases was the cause distress or poverty. Though he knew the county he represented would not shrink from any Commission of Inquiry that might be sent into it, yet, believing, that the Commission proposed by the hon. Gentlemen opposite would do more harm than good, he for one deprecated the appointment of it.

Lord *Henniker*, as Member for East Suffolk, and resident in a part of the county where conflagrations were most numerous, and where the greatest kindness had prevailed towards the labouring class, wished to offer a few words. He had felt it his duty to apply to the right hon. Secretary for the Home Department on more than one occasion in reference to this subject, and he begged to bear testimony to the willingness and earnest desire the right hon. Baronet showed to promote an investigation into the causes of these unfortunate occurrences. He had not expected, after the speeches which he had heard from the hon. Member for Manchester (Mr. Gibson), when he used to attend meetings of the landlords of Suffolk, in which they considered the means of benefiting the labourers and promoting their interests, to have heard such a speech from him as the House had heard that evening. The hon. Gentleman must have known in what degree the interests of the labourer occupied the attention of the Gentlemen of Suffolk, and he ought not to have spoken as he had. That the hon. Member (Mr. Bright) could know but little of the history of Suffolk was plain from the tone he assumed in speaking of the Gentlemen of the county. The noble Lord concluded by reading part of a letter from a person in Suffolk, to shew that it was by no means right to say that the fires appeared in proportion as wages were low.

Mr. *Villiers* said, that he thought that if the right hon. Baronet had not before regretted the tone and manner in which he had met the Motion of his hon. Friend, when he charged him with calling for a needless and mischievous inquiry, he must feel that he had reason then for doing so, for the noble Lord who sat behind him, and who represented the county of Suffolk, had just disclosed to the House, that such was his apprehension of the state of his county, such was the necessity which he considered the extent of the crime in question had caused for instant inquiry, that he had himself, in the discharge of his duty as a proprietor and a Member of that county, gone to the right hon. Gentleman to request him to institute some inquiry into the causes of its present condition; and he had farther told them, that the only reason why he had not made the Motion of the hon. Member for Manchester himself was, that he had implicit confidence in the right hon. Baronet the Secretary for the Home Department. This was the calm, deliberate, Conservative feeling of the noble Lord who represented that county. Why then, he asked, was his hon. Friend (the Member for Manchester) who, in the absence of any investigation having been made, in the absence of any confidence in the right hon. Baronet, a proprietor in the county himself, sharing in the same feeling with the noble Lord, desirous of inquiry—to be precluded from making a Motion to that effect in the House by the fear of the charge or imputation of deliberately promoting crime? The right hon. Gentleman certainly said, that it did not become him to impute motives to his hon. Friend. He wished he had thought it as little becoming in him to insinuate motives, for that was what he did; there could be no mistake as to the purpose of what he said; and, considering the character of his hon. Friend's speech, a more unworthy insinuation he had never heard; for he ventured to say, that a speech more moderate, more confined to the points in question, or more careful in steering clear of those objections charged upon it, he had never heard. His hon. Friend had a right as a proprietor, wishing to live well with his neighbours, as the right hon. Baronet admitted he did, wishing that the truth should be elicited as to the cause of the odious crime that prevails in his county, with a view to its prevention in future—he had a right to ask the Government to attend to it, to set the public mind at ease on the subject—to ascertain its extent, and at least determine, if possible, what was or was not the cause of it. Where would the objection of the right hon. Baronet end if it was good in this case—that to mention a grievance tended to create discontent? It would go to stop agitation on any question which was always said to disturb the public mind; if so, what chance was there of a single evil or grievance ever being removed? Where was the single instance of this House volunteering any measure of public good that did not spring out of agitation, almost amounting to violence? The right hon. Gentleman had taken credit to himself for amending the Poor Law. Why had he done it? Why, he admitted he did it reluctantly, and why? because what he called the evils of the law had been so frequently pressed upon him; and whenever there had been any inquiry into the condition of any portion of the people, or any concessions of any good made by the Government, it had usually been introduced with an apology, that resistance was no longer possible. Everybody had been charged in the same way as his hon. Friend had that night. Was his hon. Friend, moreover, the only person by whom, or was this House the only place in which these matters were discussed? Was there not in the two leading journals —*The Times* and *Chronicle*—at least a column and a half every other day referring to the state of these counties, and speculating upon the causes? If the discussion of the state of the poor was so mischievous, why did the right hon. Gentleman not reprove his Friends on his own side of the House, who, in their addresses against the Poor Laws, made speeches far more inflammatory and violent, more calculated to excite discontent among the poor, than any that the hon. Member for Manchester had ever made. The hon. Member for Durham had just explained, that by referring to this peculiar sensitiveness on the score of mischief, whenever the Corn Law is mentioned; touch and attack what else you please, and how you please, and nothing will be said; but allude to the evils of the Corn Law, and there is no crime that will not be imputed to you. Now, the fact was, the Corn Laws made the application of his hon. Friend to the Government peculiarly in season, for he and all those who complained of the impediments thrown in the way of trade, thereby depriving thousands of their bread, had a right at all times to invite public attention to the condition of the agricultural districts, seeing that the enormous mischiefs which were occasioned by these monopolies were defended, and defended solely on the ground of the great advantages they conferred on the labourers of the country. It was not him and his Friends on that side who introduced irrelevant subjects into a discussion of this kind, if that law which makes food scarce is to be called irrelevant to an inquiry into the state of the poor. It was those who defended this law, who invariably intruded upon a discussion of the Corn Law the blessings it entailed on the agricultural population; and when the whole country was roused by the unceasing and shocking distresses of these people, they had a right to remind Gentlemen opposite of their plea for upholding a law so obviously maintained for their own interest, on the ground of its profit to the poor. Such a plea required to be supported by the strongest evidence to gain the slightest credit, and might well deserve the character it obtained when it was rebutted by every day's and every hour's experience. But the Motion is proper at any time that it may be made, for the condition of the agricultural people in these counties is not new. It is one of the grounds for inquiry that it is traced to causes which have had existence subsequent to the distress in question. It is a common notion, that the discontent of the people is referable to the New Poor Law alone, which is not the whole truth. There was abundant evidence to show that the people were precisely in the condition they then were a few years before the New Poor Law, and that then the evil was traced to the maladministration of the Old Poor Law. He would read a letter addressed from the county of Suffolk to *The Times* newspaper, in the year 1830, complaining of distress, and alluding especially to the cruelty and hardships of the old law. The letter purported to be from a day labourer, and it seems made a great sensation in the county at the time. The letter says,—

"Sir,—As I hear that you always put into the paper anything likely to do good to poor people, I make bold to write to you. I am told that the great people talk of nothing but the riches, the happiness, and the flourishing state of the country; but, Sir, I see nothing but famine, misery, and distress; and I think that if our Parliament men knew the real situation of myself and thousands of my fellow-labourers, they would do something for our relief. I am an industrious labourer, about thirty years of age, with a wife and three young children. I have regular work, which is more than half my poor neighbours can say. How then, it may be asked, come you to be distressed? Why, Sir, because my wages are not enough to put bread into the mouths of myself and family. The wages have been for a long time 7*s.* a week; and, as it is impossible to live upon this, I am obliged to beg every week at the vestry."

The writer then proceeds to show the way in which his wages are made up out of the parish fund, and how the whole is applied for his maintenance, and says,

"Thus, Sir, after having provided myself and family with a cottage to live in, and about one pound of bread for us to eat, I have 6*d.* a week left to supply us with clothes, cheese, potatoes, candles and firing. Think, Sir, on the miserable, hopeless, half-starved condition of myself and family; and then, Sir, think of the far worse condition of nine-tenths of my neighbours, who have not such good health and regular work, or who have larger families than myself. Don't you think (he farther says) that for the employers to pay their labourers half their just wages, and to send them to the parish to beg a wretched pittance, is like defrauding them of their hire, and is what is called in the Bible, 'grinding the faces of the poor.'"

And after dwelling upon the effect on strength and health of the inadequate requital for their labour, and saying that half of them are supported in beggary, he says, "He does not understand much about law making, but that he has heard that a law has been passed to keep up the price of corn for the good of the farmers, and that surely it would be but just that another law should be passed to make those who employed the labourer to give him wages in proportion to the rise in the price of food."

Now, the *Times* of the day in which that letter was inserted invites general attention to its contents in a leading article, and says:—

"We know that the statements which it contains are true, and that they apply to a very large district in a quarter from which the letter comes, and some thousands of parishes in England."

He referred to it to show that this bad condition of the people in these districts was not new, and that, however angry the people might feel with the mode in which relief is given to them now, yet it could not be considered to be the cause of their distress. The *Times* is right, and does much good in pointing to the wretched state of the rural population; but it points too exclusively to the New Poor Law as the cause of that condition. There was a deeper cause of their deterioration, and one which punishment—which the hon. Member seemed to believe was the cure—will be far from removing. It would seem, when the gentlemen connected with the county hear that magistrates dare to commit, and juries dare to convict, that all is done that is required, but that is far from satisfying the question. It is clear that the evil was not mending; for upwards of twenty years before the New Poor Law, the people of these and other agricultural counties had been deteriorating; and unless the great fact of increasing numbers and diminishing employment was met boldly in the face, no amount of punishment, or no amount of caution in refusing inquiries of this kind, would stop the evil. In the year 1824 there was a Committee in this House to inquire into the operation of the Old Poor Law, and persons the most competent to describe the real state of the rural population—clergymen, proprietors, overseers—all agreed in depicting the people as fearfully distressed, immoral, and discontented; the evil, then, existed at that time, continued still, and was getting worse; and it could not be otherwise while a law to impede trade and check the supply of food, and thus lessen the demand for labour, continued. Since the prices became first so high, since it was attempted to continue them so by legislation, without making adequate provision for the wants of increasing numbers, so long have the people been sinking, and so long would the people sink; and hon. Gentlemen opposite should really reflect upon the fact they cannot dispute—that it was just at those intervals when the Corn Law fails in its purpose and there is abundance of food that those very people, those labourers whom they profess to care for, were well of. That the people were ill off in these counties was not disputed, he believed, out of this House, but he had heard it denied this evening. Well, grant it that they were not distressed; was it not ground for inquiry that the contrary was very generally believed; and was there any fear of inquiry, or of increased incendiarism, if they were well off? It was said that these fires were caused by others, and not by the people of the county. Well, then, the people would be thankful to have that elicited, and there was no fear of exciting them to the commission of crime by inquiry. He knew that divers reasons had been assigned for this offence in those counties, and he believed that in the insurance offices there was an idea that some of the persons insured were not so careful as they might be, for being fully insured offered a great temptation to their not being so; but the more conflict of opinion there was, the more doubt as to whether it was an act of despair on the part of the people in the hopelessness of their condition, surely the more reason was there for inquiry. In short, as coming from his hon. Friend the Member for Manchester, as a proprietor in that county, he could conceive no Motion more appropriate, more called for, or more likely to be useful, and, presented as it was in a very careful speech as he thought, he should give it his cordial support.

Sir *J. Tyrell* said, that the speeches made that night on the other side of the House were marked by all the characteristics and requisites of incendiary speeches. He had no intention of imputing motives to any hon. Member. He did not state with what purpose those speeches were made. All he would say was, that they contained the characteristics and requisites of incendiary speeches. He himself belonged to that class who were said to be of very obtuse intellects, but yet he possessed sufficient acuteness to see clearly enough the tendency of those remarks which that night fell from hon. Gentlemen on the other side of the House; for his part he did not pretend to much enlightenment; but though the perceptions of those Members who represented agricultural districts might not be very acute, yet in the present debate those Members were not altogether without the possession of some advantages. He had lately come up from the country, though he had not been, like the hon. Member for Durham, out upon an agitating tour. He repeated, that he had no intention of attributing motives — it would be very wrong to attribute motives — but when the House heard the speech of the hon. Member for Durham they could not fail to remember that he had been acting as a lecturer on the subject of the Corn Laws, and, in fact, that they might consider the present discussion as nothing more nor less than an adjourned debate on the Corn Laws. It was his fate whenever he came into that House to hear little else than debates on the Corn Laws. The hon. Member for Manchester told the House that want of employment was the cause of distress, and that distress caused the fires. He himself had been a farmer for upwards of twenty-five years; and he therefore could not help regarding the condition of the farmer with peculiar interest; but he frequently read the articles on the money-market and city intelligence which daily appeared in the newspapers, and he could not shut his eyes to this fact, that railways and other speculations received the most ready encouragements, though propositions for the improved cultivation of land were always very coldly received. The most hopeless speculation would receive support in the one case, and the most promising be allowed to fall in the other. No matter how wild or visionary the speculation might be, there was always capital enough for anything but cultivating the land; and that caused the want of employment. The hon. Member for Durham referred to the disposition which prevailed in Suffolk to recommend the adoption of a system of severe punishment. It did not happen that he was present at any of the meetings held upon that subject. But it was understood that more children than adults were concerned in those fires; and that in one case an adult was said to have committed the offence from a wish to be transported. It was probably thought by those who recommended severer measures that if such were adopted no one would commit crime for the sake of being punished; at least, that no one would become an incendiary with a view to being hung. To these remarks he wished to add that he was not an advocate for any increased severity.

The House divided on the question, that the words proposed to be left out stand part of the question — Ayes 130; Noes 41: Majority 89.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
Adderley, C. B.
Ainsworth, P.
Alford, Visct.
Allix, J. P.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Baillie, Col.
Baring, hon. W. B.
Baring, rt. hon. F. T.
Baskerville, T. B. M.
Bateson, T.
Beckett, W.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bowes, J.
Bowes, Adm.
Bramston, T. W.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buckley, E.
Burroughes, H. N.
Campbell, J. H.
Chelsea, Visct.
Chetwode, Sir J.
Childers, J. W.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt.hn. Sir G.
Cole, hon. H. A.
Colvile, C. R.
Compton, H. C.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, W. J.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Douglas, J. D. S.
Eliot, Lord
Entwisle, W.
Escott, B.
Estcourt, T. G. B.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt.hn Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Gore, M.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenaway, C.
Greene, T.
Grogan, E.
Hampden, R.
Hardy, J.
Harris, hon. Capt.
Henley, J. W.
Henniker, Lord
Herbert, hon. S.
Hervey, Lord A.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Houldsworth, T.
Howard, P. H.
Hussey, A.
Hussey, T.
Hutt, W.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, D. S.
Knatchbull, rt.hn. Sir E.
Knight, H. G.
Law, hon. C. E.
Lefroy, A.
Lemon, Sir C.
Lincoln, Earl of
Lockhart, W.
Lygon, hon. Gen.
Mc Geachy, F. A.
Manners, Lord J.
Marsham, Visct.
Meynell, Capt.
Mundy, E. M.
Neeld, J.

Newdegate, C. N.
Nicholl, rt. hon. J.
O'Brien, A. S.
Palmer, G.
Peel, rt. hon. Sir R.
Peel, J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Repton, G. W. J.
Richards, R.
Rolleston, Col.
Round, J.
Rushbrooke, Col.
Russell, J. D. W.
Sanderson, R.
Sibthorp, Col.
Smith, rt. hon. T.B.C.
Smyth, Sir H.
Somerset, Lord G.
Spooner, R.
Stuart, H.
Sutton, hon. H. M.
Talbot, C. R. M.
Thesiger, Sir F.
Trench, Sir F. W.
Trevor, hon. G. R.
Tyrell, Sir J. T.
Verner, Col.
Wodehouse, E.

TELLERS.

Young, J.
Lennox, Lord A.

List of the NOES.

Barclay, D.
Barnard, E. G.
Bellew, R. M.
Bernal, R.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Busfeild, W.
Chapman, B.
Collett, J.
Elphinstone, H.
Esmonde, Sir T.
Forster, M.
Gill, T.
Hill, Lord M.
Martin, J.
Mitcalfe, H.
Morris, D.
Morrison, J.
Muntz, G. F.
Philips, M.
Plumridge, Capt.
Power, J.
Protheroe, E.
Pulsford, R.
Rawdon, Col.
Ross, D. R.
Sheil, rt. hon. R. L.
Somerville, Sir W. M.
Stock, Serj.
Villiers, hon. C.
Walker, R.
Warburton, H.
Wawn, J. T.
Wilde, Sir T.
Williams, W.
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.

Bright, J.
Gibson, M.

SUPPLY—PUBLIC EDUCATION.] House in Committee of Supply.

On the question that a sum not exceeding 40,000*l*., be granted to Her Majesty for the defraying the charge of Public Education in Great Britain,

Mr. *Wyse* would avail himself of that opportunity of calling the attention of the House, in conformity with the notice he had given at the commencement of the Session, to the importance of—

> "Due provision being made for the University Education of Her Majesty's Roman Catholic subjects in Ireland, especially of such as are intended for the priesthood, and the inadequacy of the means and system now existing for the attainment of such object, and that steps should be taken by an enlargement and improvements of existing arrangements, either by opening the emoluments and honours as studies of the University of Dublin to Roman Catholics as well as Protestants, and raising the College of Maynooth to the dignity of a theological faculty of the said University or by founding or maintaining a Roman Catholic University, with equal rank, endowments, and privileges with those of the University of Dublin, or by some other means, adequately to supply the deficiencies now complained of, and, as far as may be, effectually provide for the future moral and intellectual wants of the Roman Catholic inhabitants; thus promoting the advancement and happiness, not of Roman Catholics only, but of all classes and persuasions of the Irish people."

On a former occasion, when he took the liberty of moving for Returns relative to this subject, an impression went abroad that it was his intention to alter the character of the University of Dublin, not with the view of extending its benefits to the public at large, but to interfere with its rights and privileges. Now, he had been educated at that university, and no one could appreciate more highly than he did the benefits which he had derived from it; and no one was more anxious to promote its advantages, and to extend its usefulness more than he was. He was one of the first Roman Catholics who had entered that University on its being re-opened to that body, and he could declare, that during the time in which he received his education there, he had no reason to complain of any interference with him as regarded his religious opinions; on the contrary, he could say, that he believed that it would be difficult as regarded the common course of education, to find greater fairness manifested. But in admitting this, he felt bound to say that the system of that University was not so beneficial or useful as it might be made, to a large portion of the inhabitants of Ireland; and he believed, that the means of rendering it so were not so great or difficult as they were supposed to be. They had arrived at that period, as regarded the elementary education of the people, that it was no longer necessary to argue the question as to whether the Government should or should not take part in the education of the people. The elementary education of the people had within the last few years greatly occupied the attention of the Government, and there seemed to be a general concurrence of opinion, that as regards Ireland it should be carried on. The advantages which Ireland had already derived from the new system of elementary education in that country were very great and manifest, and he only regretted that the plan had not been extended much farther, and that an enlarged system of education had not been formed throughout the country, so as to combine every branch of education. In 1830 he urged the adoption, not merely of elementary education for the people of Ireland, but a general system, of which the elementary part should form only a branch. He shortly afterwards took the liberty of placing before the Government a plan by which he proposed that this should be carried out—he recommended that the elementary education should be carried on by the joint aid and assistance of the Government and local persons—by the Government through a central board, and by local boards, acting as trustees or committees, to carry out the orders or recommendations of the central board. He then proposed that the system should be extended to the establishment of local colleges or universities, and to the formation of literary and scientific institutions, and galleries of arts, and local schools of art. Here then was the Government on the one side, and the people on the other, acting conjointly in promoting the great and important object of national education—the Government directing and controlling on the one hand and the people offering their assistance and co-operation on the other. On that occasion he had suggested the absolute necessity of revising a part of that important institution, the only university in Ireland. The memorial which he drew up upon this subject he placed in the hands of the noble Lord the Secretary for the Colonies, who then held the office of Secretary for Ireland; and he in it took the liberty of pointing out several anomalies which existed as regarded the state of the University of Dublin and also the College of Maynooth. He had there shown that the College of Maynooth was excluded from conferring the academic distinctions or rewards which properly appertained to a University, and he then called upon the Government either to open the University of Dublin to those educated at Maynooth or other collegiate establishments, or to establish a new University. He continued also to urge this during the time that he was a Member of the Government of Lord Grey, and he repeatedly solicited the Government which succeeded it still more urgently to do so, as the circumstance which called for interference had become still more pressing. Now, that the system of elementary education in Ireland was found to work so well and was so good, while the collegiate education for the clergy of the great body of the people was so inadequate to the wants of the case, and while the university education was capable of so much improvement, he hoped that the Government would take up the subject with the view to providing a remedy. It was notorious that Maynooth could not lay claim to the character of a university, and still less the Belfast Academical Institution. He would ask the right hon. Baronet at the head of the Government whether any other country was in the same situation as Ireland as regarded the institutions of the higher branches of education? Was there any country, either Catholic or Protestant, either with a monarchical or republican government, where there was a population of upwards of 8,000,000, which had only one university to supply the higher branches of education. In Germany he found on the aggregate that there were not less than forty universities, and in some of the smaller states in that country there were large and flourishing establishments of this kind. Prussia with a population of scarcely 12,000,000 of inhabitants had not less than six universities. Bavaria with a population of 4,000,000, had three universities. Look to Belgium and Holland, and there appeared to be a greater number of universities in proportion to the population of the country than there was in Germany. In Holland, with a population of 2,302,000, there were four universities; and in Belgium, also with a population of 3,816,000 there were also four universities. The number of students in the universities of Holland, was about 1,316, while in Belgium also the number exceeded 1,458. So far, also, from these establishments being considered too large for the circumstances of these countries, and although large public funds were annually expended in their maintenance, the people of both these countries were constantly demanding that they should be enlarged and improved at the public expense. In France, again, they saw a similar state of things, for the University of France extended its ramifications through several of the towns of France, and had a great number of branches scattered throughout the country. In Russia there were fourteen, and in Sweden two. Again, in the Papal territories—the state of education in which had been so much vilified—there were five secondary colleges and two principal universities. Even in the small state of Tuscany there were two universities. Let the Committee then look to America, and they would find universities established in most of the northern and southern states, and the number of them had greatly increased in the older states. In addition, the Committee might look to the state of things in England, where there were the two magnificent institutions at Oxford and Cambridge, and in addition to the University of London, and that of Durham. In Scotland there were four universities, while there were little more than two millions of people. With such a state of things, was it to be borne that there should be only one university in Ireland, with a population of eight millions? About the period of the Restoration it was intended to establish a second university at Athlone, but this was abandoned. But would the House stop and say that there should be only one university in Ireland, and that the higher branches of academic education, with the accompanying honours, should alone be imparted in that country by the University of Dublin? But it might be said that the University of Dublin was Protestant; that it had been established for Protestant objects, and ought not to be made available for Catholic purposes, with any justice. Much misconception prevailed as to the establishment and the original state of the University of Dublin, and as to the opening the fellowships and other offices of the University to Catholics as well as Protestants being equivalent to converting it to Catholics purposes. The University of Dublin was generally supposed to be founded by Queen Elizabeth. No doubt this was the case, to a certain extent; but then, funds for that purpose were derived from former endowments belonging to it, and to certain monasteries, from which it derived the chief portion of its revenues. The first attempt to erect an university in Ireland was made by John Lech, Archbishop of Dublin, in 1312, who obtained from Pope Clement V. a bull for its foundation and endowment. This prelate having died without proceeding in this enlightened national undertaking, left the honour of following up the project to his successor, Alexander de Bickner, described in the letter of the King, recommending him to the Holy See, as "a man of profound judgment, high morality, deep learning, and, withal, the greatest circumspection in spiritual and temporal affairs." He succeeded in establishing a university, attached to St. Patrick's Church, Dublin, and composed rules for its government. The first professor in the Irish university was William de Hardite, a dominican friar. The degree of D. D. was conferred on the abovementioned De Hardite and Edmund de Kamardin, who was afterwards nominated to the bishopric of Ardfert. It soon declined for want of endowments, but the education of the country was sustained by colleges, of which one of the most celebrated was that on Usher's Island, distinguished for the learning of its teachers, especially its courses of philosophy and theology. A new attempt was made for the revival of the university. In 1475 a strong memorial was addressed to the Holy See on the subject, and Pope Sextus IV. issued a bull, commanding and authorising the foundation. The reasons given for the re-establishment of this university show the advantages of local bodies. This body continued in existence until the destruction of monasteries. In 1501, Government took up the labour of individuals. Allhallows became the property of the corporation by grant of Henry VIII., and was given for the university. Elizabeth, at the suggestion of Sir Henry Sidney, enlarged it, or rather founded it anew, and gave it statutes. Amongst other matters therein mentioned, it was directed that the fellowships should be held but for seven years. It was also much more liberal in religion. During the period of James II. the Rev. Mr. Moore, a Roman Catholic, was nominated fellow and provost, and he, with Mr. Macarthy, another fellow, "being a lover of literature, with a liberal mind," who, he rejoiced to say, saved the library of the college, being converted into a barrack from a savage soldiery. It was also exempted from the effects of the Bill of Attainder. Soon after this period the Catholics were excluded from the University of Dublin. By the Act of 1793 they were admitted for the purposes of education; but they were excluded from the fellowships, and thus, therefore, they were prevented attaining the highest honours in the University. The University of Dublin was governed by a certain number of junior and senior fellows. The junior fellows, by a rule, must take orders in the Church of England, within a certain period. The consequence was that Catholics, by such a rule, were excluded, and by another statute it was declared that before they could be admitted to their fellowships they must take the sacrament in conformity with the Church of England. It was said that this statute could not be changed; then how was it that the statute had been repealed which permitted the senior fellows marrying? He thought that they could easily create an additional number of fellowships in connection with the University of Dublin, which should be opened to both Catholics and Protestants. There were at present four lay fellowships in the university; why might not the number of them be increased, and the election to them be open to both Catholics and Protestants? He might be told that several of the scholarships were open, but this was really not the case, for in practice it was found that no Catholic could be placed in the rank of scholar in the University, unless he abandoned his religion. A case illustrative of this was recently brought before the Courts, in which it appeared that a Gentleman who had obtained a great number of certificates for a scholarship was about to present himself for it, when he was told that he could not do so without he in the first place took the sacrament, and thus showed that he belonged to the Church of England. What were the funds of the Colleges, what its means of extending its usefulness? The landed property of the University extended over 231,000 acres, the value of which, however, he had no means of estimating. Then there were the fees, the amount of which, in 1841, was as follows:—

Doctors in divinity (3), fees ..	£66	0
law (12)	264	0
medicine (7)	154	0
Bachelors in divinity (3)	41	5
Master of arts (66)	648	0
Bachelors in Laws (21)	246	15
medicine (12)	141	0
arts (24 fellow commoners)	414	0
162 pensioners ..	486	0
Matriculation (26 fellow-commoners)	390	0
(241 pensioners) ..	1,807	10
Total ..	£4,658	10

Upon the whole, he thought that with very little assistance from the Government the college might do much towards extending the sphere of its usefulness. That it might be able to do so, if enabled, was clear from the terms of the Act of Parliament, 14 and 15 Car. 2., which ran thus:

> "Provided also, and be it further enacted by the authority aforesaid, that the Lord-Lieutenant or other chief governor or governors of this kingdom for the time being, by and with the consent of the Privy Council, shall have full power and authority to erect another college, to be of the University, to be called by the name of the King's College; and out of all and every the lands, tenements, and hereditaments vested by this act in His Majesty, and which shall be settled or restored by virtue thereof, to raise a yearly allowance for ever not exceeding 2,000*l.* per annum, by an equal charge upon every one thousand acres, or lesser quantities proportionably. and therewith to endow the said college, which said college, so as aforesaid to be erected, shall be regulated, and governed by such laws, statutes, ordinances, and constitutions, as his Majesty, his heirs, or successors shall, under his or their Great Seal of England or Ireland declare or appoint."

Thus it was clear that the power existed for establishing a new college in connection with the University adapted to the wishes of the Irish people, and there could be as little doubt of the propriety of acting upon the power so given. Ireland had a large Catholic population, and Parliament had repeatedly admitted the principle that this Catholic population ought to be instructed, and given grants, however inadequate for that purpose. Having declared the propriety of educating the people, it followed that Parliament should be most careful to educate the educators, most careful, above all, of the religious education of the educators. Hitherto, how had the education of the Roman Catholic priests been cared for? For a very long period, they had been more indebted to the liberality of foreign countries than to the justice of their own; and when at last Maynooth was established, the building assigned to the purpose was little better than a miserable hovel, and the sum allotted perfectly insignificant, the professors having a salary below that which an ordinary cook would receive for his services. A simple means of remedying much of the present evil would be to annex the College of Maynooth, and that of Belfast, to the University of Dublin; the one the University for Roman Catholics, the other that for Presbyterians; and the third, that for Protestants; all of which classes would be thus united in the bonds of Christian brotherhood, as was the case with different classes of religionists in England and abroad. To each of the former colleges, he would give the power of conferring degrees in divinity and arts. If this could not be effected, the only remedy would be, to establish at once a Catholic University in Ireland. There were various places in Ireland, where such a University could be established with the greatest advantage. The hon. Gentleman concluded with stating that after having thus brought forward the subject, he would not, at this period of the Session, take a vote upon it, desiring to leave the matter in the hands of the Government, hoping that next Session it would be taken up with energy.

Sir *R. Peel:* I am sure I shall state what is in conformity with the general feelings of the House, when I say that no Member of this House is better entitled to take up this subject than the hon. Gentleman who has just sat down. I know no Member of this House who has devoted more time and attention to the consideration of the subject and to devising means by which the advantages of education can be distributed throughout the country. I must also say, that the hon. Gentleman has another qualification besides that of experience on this subject—he has the high qualification of discussing with temper and with moderation, which ensures, amidst all the animosities which may divide us, an impartial and favourable consideration of anything he proposes. I rejoice that the hon. Gentleman has made his observations in a manner which precludes him from taking the sense of the House upon them. He has made those observations not even in reference to a vote for Irish education; for the vote, which we are discussing is one for English education. Perhaps the hon. Gentleman made those observations on this vote, that he might avoid the possibility of our coming to any hostile vote on the subject. I rejoice that the hon. Gentleman does not call for any expression of opinion on this subject. The hon. Gentleman adverted to the state of elementary education in Ireland. I think that he, and those who generally concur with him, will admit that the state of elementary education in Ireland is satisfactory. Her Majesty's Government, I think it will also be admitted, have done something towards that portion of public education. In the course of the present Session we purpose to increase by one-half the amount of the vote applied to the purpose of national education in Ireland. In the course of last year the vote for education in Ireland was 50,000*l.*; in the present we propose to increase that vote by 25,000*l.*, making the vote of the present year 75,000*l.* Within a very short period a Report has been laid upon the Table of the House with reference to this subject, the 10th Report of the Commissioners of National Education in Ireland, with the following names attached to it:—The Archbishop of Dublin, the most Rev. Dr. Murray, Mr. Sadlier, Mr. Blake, Mr. Holmes, Mr. Macdonnell, and Lord Kildare. That Report gives this account of the progress which has been made in public education as it has come under their superintendence. It is stated, in the first part of the Report, that there were many demands for schools with which they had not the power of complying, and that there were also demands for the inspection of schools, which, on account of the limitation of the vote, they could not grant. They stated, however, that at the close of the year 1842 they had 2,271 schools in operation, which were attended by 319,719 children. At the close of 1843 they had 2,912 schools in operation, which were attended by 355,322 children, the increase in the number of schools amounting in one year to 191, and the increase in the attendance of children in the course of a single year amounting to 35,603. They also add, what I believe to be perfectly consistent with the fact, that "they have the gratification of observing that those unfounded impressions on the subject of education which we have on former occasions had to notice are rapidly taking flight." The Report shows that there is not merely an increase in the number of schools, or in the number of scholars, but the great source of satisfaction is the announcement of this fact—that the hostility and prejudice which were directed against this system of united education are passed away. So far as elementary national education is concerned, then, I think we may congratulate ourselves on the progress that we have made. With respect to that other and equally important subject to which the hon. Gentleman has called our attention, I have the satisfaction of assuring him that it is a subject which has occupied the serious consideration of Her Majesty's Government. The hon. Gentleman must excuse me if, on this occasion, I purposely forbear from entering into details. It is not because I am not prepared to express an opinion upon the subject, or to enter into detail; but, it being impossible in the course of the present Session to submit any practical measure on the subject, I am sure it is infinitely better that I should avoid altogether entering into details which must be stated, if stated now, many months before any practical measure can be introduced. I think I shall best consult the future importance of this question, by avoiding detailed observations at the present time; but I have no hesitation in stating that the result of the consideration which we have given to this subject is a conviction that the means of academical education in Ireland are defective. There are only three institutions which partake of the character of universities, viz., Trinity College, Dublin, Belfast Academical Institution, and the College of Maynooth. So far as the education of the laity of Ireland is concerned—I am speaking now of academical education—looking at the population of Ireland—at the increase of people—comparing the means of academical education in that country with the Continent, or with those two portions of the United Kingdom with which we are more intimately acquainted, England and Scotland—I must say that I think the means of a similar education in Ireland are comparatively and relatively inferior. The academical institution in Belfast does afford an opportunity of academical education to the north of Ireland, but in the south there is no such institution. The University of Dublin, also, was founded at a remote period, and, though that is an important institution, and is, I think, conducted upon equitable and liberal principles, yet the population of Ireland has certainly outstripped the growth of that institution. I don't at all undervalue that education which is given to the upper classes of Ireland in the universities of this country. I must say, indeed, that I think there are great advantages to be gained from the occasional resort of the youth of Ireland both to the academies and to the universities of this country; and I do hope that we never shall see any system devised in Ireland which will prevent the occasional and frequent resort of Irishmen to the universities of this country. It is a bond of connexion which unites the upper class of society rather than any other bond; for neither the schools nor universities of this country do afford the means of an academical education to those who do not belong to the upper classes. The hon. Gentleman felt all the difficulties of this subject without proposing any decided plan for adding to the means of academical education. He suggested various plans; with respect to none, however, did he express any very decided preference; and, if he, with his knowledge of Ireland and with his experience feels the difficulty of expressing any positive opinion, that is an additional reason why I, without the means of personal communication with those acquainted with Ireland, should abstain from expressing an opinion on any of the points to which he has adverted. I repeat that it is a subject which has occupied the consideration of Her Majesty's servants—that it is a subject to which the attention of my noble Friend, who is about to assume the chief office in the administration of Irish affairs, will be directed immediately on his arrival in Ireland, and I trust that we shall, at an early period of next Session, propose means for increasing academical education, or we shall have to notify to the hon. Gentleman that our efforts have been unsuccessful, and that we must leave to him to bring on his plan. If we fail in our endeavours, it will not be from want of a desire to do justice. The consideration of the Government will also be directed to the position of the College at Maynooth, for we feel that it is not now in a satisfactory state. The amount of the grant is of no consequence so far as principle is concerned; for, if there be any violation of principle in making a grant for the support of Maynooth, that principle is violated by the sum at present granted. I know all the difficulties of the subject; but I will say no more, other than that Her Majesty's Government are impressed with the conviction that it is not in a satisfactory state at present, and that the position of that College will be one of the subjects to which the attention of the Government will be directed. When I say, that I think I may add that the attention of the Government will be directed to it in such a mode as that the position of that College shall not be less satisfactory to those immediately connected with it than it is at present, I hope I shall not be called upon to say more. I think I shall best consult the importance of the subject by avoiding further details, which, if proceeded with might tend to prejudice the measure, and to raise up objections to the proposition hereafter to be brought forward; and if Her Majesty's Government can propose any measure which shall have the effect of allaying all those feelings of jealousy and animosity which have hitherto existed, we shall consider that we have effected a double advantage—first, by promoting the cause of education; and, secondly, by cementing the bonds of a friendly alliance between the two countries.

Mr. *Sheil* said, that the House was deeply indebted to his right hon. Friend the Member for Waterford, not only for the able and excellent speech which he had just made—a speech which was characterised by great temper and moderation —but also for his being the means of drawing from the right hon. Baronet opposite intimations of the most signal importance; intimations which he most unaffectedly assured the right hon. Baronet he most highly appreciated. Among the other incidents of the right hon. Baronet's speech, he had paid a tribute to the labours of his right hon. Friend the Member for Waterford, which his hon. Friend most richly deserved. His right hon. Friend had been labouring in this cause for years, always useful but sometimes unavailing. He knew that the plan of national education adopted by the Whigs in Ireland was sketched out by his hon. Friend, and that when it was carried into execution, due praise was not awarded to his efforts. His right hon. Friend had referred to the Act of Charles II. in explanation of his views;' but there was another Act—the first Act of Catholic Emancipation, passed in 1793—to which he had not referred, and which, in his opinion, was still more important. There was a very important Clause in that Act relating to the University of Dublin. In that Clause it was enacted that nothing contained in the Act should enable any Roman Catholic to hold any office of profit or emolument in Trinity College, Dublin; but there was a provision in another Clause that in a College to be established Roman Catholics should be admissible to every office in it. The College of the Holy and Undivided Trinity was only one College in the great University of Dublin; and to that University other Colleges might be and were intended to be added. By one Clause, it was provided that—

> "Papists might take degrees in, or be masters, or fellows, or scholars of any College in this kingdom, provided that it be a member of the University of Dublin, and that it be not instituted exclusively for the education of Papists."

That Clause would evidently exclude Maynooth. The object then in view was to make Maynooth an ecclesiastical institution of the country for the education of the Roman Catholic Clergy. At the same time, it was evident that the Irish Parliament intended to provide that there should be a College in Ireland unconnected with the University of Dublin. If the Imperial Parliament should determine to carry into effect the spirit of this Act in the temper announced that evening by the right hon. Baronet, it would establish a College in Ireland in which young men of every religious sect would be admissible to scholarships and fellowships. And if any one, acting in a spirit contrary to that displayed by the right hon. Baronet, should say to him, "You are sapping the foundations of the Protestant Church," the right hon. Baronet had only to refer to the Clause which he had just read, for a complete refutation of such an assertion.

Mr. *Bellew* said, that no man was more impressed than he was with the importance of this subject. It was unworthy of the country that the education of the Roman Catholic clergy of Ireland, if undertaken by the State, should be anything but national. He pointed out the insufficiency of Maynooth to supply the Roman Catholic clergy of Ireland with the means of education; and said that either the whole number of them or none should be educated under the auspices of Government. He looked upon the intimation which the right hon. Baronet had made that evening to be important, not only in its immediate, but also in its future results. It would be found useful in enabling the Government to carry on the Administration of the country without offending the feelings of the Roman Catholic clergy, or exposing them to the imputation of sordid motives.

Lord *J. Manners* returned his most cordial thanks to the right hon. Baronet at the head of the Government for the announcement which he had just made of his intentions upon the subject of academical education in Ireland. He hailed it as the earnest of a better, a more consistent, and a more conciliatory line of policy towards that unfortunate country. He hoped that it was a proof that the Government of England was at last awake to the necessity of governing Ireland on the only system on which a country so closely allied to us ought to be governed. He hoped that the system which the right hon. Baronet had just indicated would be speedily carried into full effect, and that it would be as prosperous and successful as the most sanguine supporters of it could wish. He thanked the right hon. Member for Waterford for the very conciliatory tone in which he had brought the question forward, and shared in the gratification which the right hon. Member must have felt on hearing of the line of policy which the right hon. Baronet had just indicated.

Mr. *Grogan* trusted that Her Majesty's Government would exercise due caution in commencing a work of this importance, on which the peace of Ireland would henceforward materially depend. Hopes had been entertained that the Government system of education would have been the harbinger of peace to Ireland; but that system had not been attended with that success which, after the lapse of eleven years, the country had a right to expect. In recent years it had been deemed expedient even in this country that greater facilities should be provided for academical education; two colleges had been founded in this metropolis—University College and King's College—which together formed the University of London. He did not wish to say anything invidious, but he thought that, even in the years which had elapsed since their institution, enough had transpired to show the comparative utility of those two colleges. Their bases differed widely, aud the consequence, that one of them was thriving, and the other the reverse. Whenever this great experiment should be tried in Ireland, he hoped that the result to which he had just alluded would be borne in mind. Whatever principles this new college might be founded on, he hoped that the principles of the Protestant Church would be adhered to.

Vote agreed to.

On the question that a sum not exceeding 72,000*l.* be granted, to enable the Lord Lieutenant of Ireland to advance Education in Ireland,

Colonel *Verner* had reason to complain that certain Returns connected with the system of National Education in Ireland, for which he had moved last Session, had not been accurately furnished to the House; for these Returns did not give the whole of the schools which he wished to have mentioned. The hon. and gallant Member then proceeded to complain of the number of the so-called national schools which were connected with monastic institutions in Ireland; and which schools could not, under such circumstances, be regarded as national. On one occasion an inquest was holden in a school-room, under the direction of the National Board of Education, but when it became necessary to swear the witnesses, not a Bible or Testament was to be found in the building. It was perfectly well known that the system of education in Ireland was established for the purpose of inducing parents of all religious persuasions to allow their children to attend these schools. The letter of the noble Lord, which might be considered almost as the charter of the system, recommended that all idea of proselytism should be abandoned, and that religious instruction and the reading of the Testament should not be introduced during school hours. Now had these regulations been strictly acted upon, he had no doubt that good would have resulted; but, unfortunately, the Board did not obey the instructions, and, in consequence, at this moment the patrons of schools had the power of introducing the doctrines of the Established Church, or the Scotch Church, or even the Church of Rome; the only impediment to their doing so being the objections which might be made by the parents. If the Board really wished to do good, let them fall back upon the original instructions contained in the noble Lord's letter. Let them exclude from the schools, during school hours, every description of religious instruction, and also take care that the Scriptures were not read in those hours. He did not see that the Protestants would object to that; but he feared that, constituted as the Board was at present, there was no prospect of this desirable object being carried into effect. It was true the Protestant Clergy of Ireland were told that they might join the National Board; so they might if they pleased join the "Loyal National Repeal Association;" but what would be thought of them if they did so? In his opinion the increase of the grant to the Board of National Education in Ireland was proposed at a time and under circumstances that rendered it very improper. The Clergy of the Established Church felt that they could not reconcile it to themselves to join in the National Board as it was now constituted, and under the existing system; and he maintained that if any addition were made to the grant it ought to be for the purpose of enabling the Church Educational Society, or some other society of that description, to give a proper education to the Protestants of Ireland. He was certain that it could not be the intention or even the wish of the Government that the education of the children of Protestant parents should be placed in the hands of Roman Catholics. Could they expect that Protestants would send their children to be educated at schools under the direction of Roman Catholics? He wanted the same justice for the Protestants that they proposed to give the Roman Catholics. The latter were undoubtedly a majority in Ireland, but the Protestant Church was the Established Church of that country, and its Members were as deserving the consideration of Her Majesty's Government as any other class of people in the Empire.

Mr. *M. Milnes* could not help thinking that, if the Protestant Clergy of Ireland had considered it their duty to co-operate with the Government in the plan of national education, and if the Protestant Church of Ireland had fortunately received that plan in a good, kind, and cordial spirit, the evils to which the gallant Colonel had alluded, which have been very much abated, and the abuses which, no doubt, did exist, would have been prevented by the careful supervision and co-operation of the Protestant Clergy. If education in Ireland was practically left in the hands of the Romish Clergy, and if the Protestant Clergy thought it to be consistent with their duties as the pastors of the people to retire from that great charge, it could not but be expected that advantage would be taken of their retirement, and that abuses would take place, which otherwise might be avoided. Having always felt the deepest interest in the question of education in Ireland, he had very great pleasure in expressing his entire concurrence in everything that had fallen from the right hon. Baronet at the head of the Government. He did so the more because it was evident that the right hon. Baronet felt the immense difficulty of the task he had undertaken. It was indeed a question which required all his mind, all his knowledge, and all his sense of justice to settle.

Mr. *Plumptre* said, that it appeared that the present vote was to be increased from 50,000*l.* to 72,000*l.* The right hon. Gentleman below said, that he understood from the opinions of the Commissioners that the hostility which had prevailed to this grant had very much diminished. Of course the right hon. Gentleman had ample opportunities of learning the state of feeling on this subject; but he must say, that as far as he had had opportunities of learning the opinions of the Clergy of the Church of England in Ireland, he believed the dislike to this vote continued as strong as ever. He had had repeated opportunities of knowing this from men in whom he placed the highest confidence—from men who moved throughout the length and breadth of Ireland, and who were, therefore, in a situation to know the feelings of the Protestants of Ireland on the subject. If it was thought right by the Government to increase this grant for what was called a national purpose, but which he could not consider as a national purpose, but rather for the benefit of a particular class, he could only express his regret that they had not, in justice to the Protestants of Ireland, made some special grant to them, as suggested by his hon. and gallant Friend near him, for the purpose of education. This additional grant, made on the old principle and to be expended in the old manner, would, he believed, deeply wound the Protestants of Ireland, who could not but feel that they had been neglected. The right hon. Baronet had received the congratulations of Gentlemen on the other side of the House, in regard to an intimation which he had made—not very clearly it was true—of the intention of Government to consider this subject. He could not concur in those congratulations to the right hon. Gentleman, and he was afraid that the intimation which had been given, indistinct as itwas, would not be received by the Protestants of Ireland in the same spirit in which it was received by hon. Gentlemen opposite, who congratulated him. He should always speak of the right hon. Baronet with courtesy, but his own principles were still the same, and if he professed to be a Protestant he also professed to consider Protestantism to be something more than a name, and that he ought not to be called on to favour and encourage principles which he detested and abjured. He did not know whether it was intended to take the vote for Maynooth to-night. He had always conscientiously opposed that vote, and would, as usual, divide the Committee whenever it was brought forward.

Viscount *Palmerston* had great pleasure in supporting the present vote, and the greater because it was not accompanied by the exclusive grant which the hon. Member for Kent wished to be given as a counterpoise to it. He rose, however, chiefly to express the satisfaction he felt at what had passed on a former vote, although not immediately connected with it. Those who heard the speech of his right hon. Friend the Member for Waterford must have felt that the subject to which he so ably drew their attention was one of the greatest importance in every point of view. Nothing could evidently be more essential than that those whose duty it was to instruct so large a portion of the inhabitants of Ireland as the Catholic population should themselves receive an education such as would fit them for the performance of so very important a task; and it afforded him the greatest satisfaction to hear what fell from the right hon. Baronet opposite in reply to his hon. Friend. It was perfectly natural and proper that in treating a subject of this kind the right hon. Baronet should confine himself to a general indication of future intentions. It would have been impossible to expect that he should on the present occasion have gone more into detail. He was perfectly ready to wait till the right hon. Baronet and his Colleagues should have matured their views on this subject, and he trusted, from the very liberal tone in which the right hon. Baronet had spoken, that he would be able by next Session to settle and arrange some plan calculated to attain those very great objects pointed out by his hon. Friend. Of course, from what they had seen to-night they must expect that the right hon. Baronet would have some difficulties to contend with, but he trusted he would be sufficiently conscious of his own strength to feel that if he arrived at a just conclusion and a good measure he would be enabled to carry it into execution. The right hon. Baronet might calculate on every fair support from both sides of the House; and he was sure the Government could not turn their attention during the recess to any subject of more pressing and practical importance than this subject.

Mr. *Lefroy* had heard with great satisfaction the tone and spirit with which the right hon. Member for Waterford introduced the subject; but at the same time he must express great regret at what had fallen from the right hon. Baronet—not that the right hon. Gentleman had expressed to-night opinions inconsistent with those he had formerly avowed, but that he had given expression to opinions certainly altogether inconsistent with the expectations many of his hon. Friends had been led to entertain. He would not, by remaining silent on the present occasion, appear to acquiesce in a Motion which he thought would be repugnant to the feeling of the great Protestant community. It became a man who had formed an opinion not to forget his principles for the sake of party; and, as he had to express an honest opposition to the Government on this subject, he felt the more called on by a sense of duty to do so. He did not deny that the national system of education in Ireland had been making great progress. How was it possible that the result should be otherwise, when that system had been supported by a grant of 50,000*l.*? But might not the Government have anticipated greater results with regard to education, if, while continuing this grant, they had also given a grant to the other Society—the Church Education Society in Ireland, which received support from the exertions of the clergy. He knew of a clergyman giving even as much as 1,000*l.* for the support of the Church Education Society. The right hon. Baronet had acted, he would not say inconsistently with himself, but still not consistently with the expectations of the heads of the Church.

Mr. *Ross* heartily rejoiced in seeing the progress of education in Ireland, through the means of which a vast amount of young persons in Ireland were brought up in habits of decency and self-respect, and were taught this great principle—to respect the opinions of their neighbours, and not to dislike any member of the community on account of religious differences. He too must express his satisfaction at the statement of the right hon. Baronet.

Vote agreed to.

On the question,

"That a sum, not exceeding 8,928*l.* be granted to Her Majesty, towards defraying the Charge of the Roman Catholic College in Ireland, to the 31st day of March, 1845."

Colonel *Sibthorp* said, that as he had always opposed this grant, he should not hesitate to divide the House on it, without further discussion.

Lord *Clive* before they went to a division, must take the liberty of saying a few words regarding Education in Ireland. He hoped those measures to which the right hon. Baronet alluded would be as successful as he could wish, but there was a point in connection with them to which the right hon. Baronet had not adverted, and which really required some consideration; namely, whether some support should not be given to the Church Education Society in Ireland? Surely similar sympathy ought to be shown to that society, which was shown to other societies. It was supported by persons high in the State, several dignitaries had joined it; and, if no assistance was to be afforded to it, whilst other societies were to be aided with grants, it must of necessity be extinguished because of its inability to contend with the money granted elsewhere. If the Church in Ireland was fit to be the established church of that country, she was fit to be intrusted with the education of her own children; and therefore when the right hon. Baronet brought forward his scheme for the extension of education in Ireland—a scheme the success of which was much to be desired—he hoped that he would give some attention to the claims of the Established Church.

Mr. *D. Browne* observed, that the education grant was intended equally to apply to Protestants and Roman Catholics. It should be recollected, too, that the Protestant Church in Ireland possessed a revenue of 800,000*l.* a-year, some parts of which might surely be applied to the education of the children born in her faith.

Lord *C. Hamilton* thought it would be well if each of the societies were to have a grant. It would then be seen which was the most compatible with the tastes of the people of Ireland. For his own part, he did not believe that the sympathy of the people of that country was universally in favour of the education of the National Board — on the contrary, he knew of many Roman Catholic children who absolutely passed the National School to go to the Church School; and considering the opportunities it had had, and contrasting the effect of its operations with that of the other society, he must say, that he thought it had in effect proved decidedly a failure.

Sir *R. Peel* was afraid that the vote to which the observations of the noble Lords referred had been passed. The proposal now before them was for the usual annual vote for the College of Maynooth; but as the opinions of no Members of the House were entitled to greater weight than the opinions of the noble Lords who had lately spoken, and as the vote had, perhaps, been passed somewhat too hastily, he would take the opportunity of making one or two observations upon the subject. Her Majesty's Government had not been inclined to propose a vote of money to the Established Church system in Ireland, because they found that by so doing they would be practically creating three different systems of education in one country—a Roman Catholic system, a system in connexion with the Established Church, and, no doubt, a Presbyterian system, which would also be demanded. The effect of this would be that the youth of Ireland would be brought up under different systems, and that that union which it was so desirable to promote among the subjects of Her Majesty in that country would not be promoted. It must be remembered, too, that the number of Protestants for whom a gratuitous education was required in Ireland was comparatively small. Generally speaking, the Protestant class in that country could afford to pay for the education of their children. The present system, moreover, was designed for the establishment of joint education, and it was sincerely hoped by the founders, that the children both of Protestants and Roman Catholics might receive the inestimable benefit of a common education. He did hope the hostility which was shown to the system at its earlier stages had much abated. Several clergymen who had formerly opposed it were now ranked amongst its supporters, and he believed that very erroneous impressions respecting it had been happily removed. They were not, denying any fair claim of the establishment to consideration in this matter, but really only acting from a desire not to sow the seed of further discord. He must express a hope that hon. Members would not draw too sanguine conclusions from what had fallen from him in the earlier part of the evening. What he had said was simply this —that Her Majesty's Government were of opinion that the means of academical education in Ireland were defective, and that they intended to apply themselves to the consideration of that subject in a friendly and kindly spirit, and in the hope of being able to hold out—not to Roman Catholics only, but to the people of Ireland generally, a system of academical education in which all classes might alike participate. He had said also that the Government did not think that the situation of the College of Maynooth was satisfactory, and that that part of the subject would not be excluded from their consideration.

The Committee divided:—Ayes 87; Noes 30; Majority 57.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adderley, C. B.
Ainsworth, P.
Archbold, R.
Baring, hon. W. B.
Bellew, R. M.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Bruce, Lord E.
Busfeild, W.
Chapman, B.
Clerk, Sir G.
Clive, Visct.
Cockburn, rt. hn. Sir G.
Compton, H. C.
Corry, rt. hn. H.
Craig, W. G.
Cripps, W.
Damer, hon. Col.
Dawson, hon. T. V.
Denison, E. B.
Dickinson, F. H.
Douglas, Sir C. E.
Ebrington, Visct.
Eliot Lord
Esmonde, Sir T.
Forster, M.
Fremantle, rt. hn. Sir T.
Gardner, J. D.
Gaskell, J. Milnes
Gibson, T. M.
Gill, T.
Gladstone, rt. hn. W. E.
Gladstone, Capt.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Henley, J. W.
Herbert, hon. S.
Hope, G. W.
Howard, hn. C. W. G.
Howard, P. H.
Howard, Sir R.
Hussey, A.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Lennox, Lord A.
McGeachy, F. A.
Manners, Lord J.
Martin, J.
Milnes, R. M.
Mitcalfe, H.
Murphy, F. S.
Nicholl, rt. hn. J.
Norreys, Sir D. J.
O'Connell, M. J.
Ogle, S. C. H.
Palmerston, Visct.
Peel, rt. hn. Sir R.
Peel, J.
Power, J.
Praed, W. T.
Pulsford, R.
Rawdon, Col.
Ross, D. R.
Scott, R.
Seymour, Lord
Sheil, rt. hn. R. L.
Smith, rt. hn. R. V.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Somerville, Sir W. M.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir F. W.
Tufnell, H.
Wawn, J. T.
Wilde, Sir T.
Wodehouse, E.
Worsley, Lord
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Allix, J. P.
Antrobus, E.
Archdall, Capt. M.
Bateson, T.
Bradshaw, J.
Chetwode, Sir J.
Cole, hon. H. A.
Colvile, C. R.
Dick, Q.
Farnham, E. B.
Forbes, W.
Fuller, A. E.
Goring, C.
Gregory, W. H.
Grogan, E.
Hamilton, J. H.
Hamilton, Lord C.
Ingestre, Visct.
Lefroy, A.
Masterman, J.
Maxwell, hon. J. P;
Newdegate, C. N.
Newry, Visct.
O'Brien, A. S.
Round, J.
Rushbrooke, Col.
Smyth, Sir H.
Spooner, R.
Taylor, E.
Verner, Col.

TELLERS.
Plumptre, J. P.
Sibthorp, Col.

The House resumed.

Adjourned at a quarter to two o'clock.

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HOUSE OF LORDS,

Monday, July 22, 1844.

MINUTES.] BILLS. *Public.*—$1^{a.}$ Joint Stock Companies Remedies at Law and in Equity; Metropolis Buildings.

$2^{a.}$ Sudbury Disfranchisement; Charitable Trusts; Parish Constables; Unlawful Oaths (Ireland); Western Australia; Farm Buildings; Loan Societies; Party Processions (Ireland); Soap Allowances; Trafalgar Square.

Reported.—Actions for Gaming Discontinuance; Colonial Postage; Assessed Taxes Compositions, etc.; Detached Parts of Counties.

$3^{a.}$ and passed:—Charitable Donations and Bequests (Ireland); Art Unions; Butter and Cheese.

Private.—$1^{a.}$ Ayr Bridge.

$2^{a.}$ Gaspé Fishery and Coal Mining Company; Sir George Gervis's (or Pemberton's) Estate.

Reported.—Bowyer's Estate.

$3^{a.}$ and passed:—Gape's Divorce; W. H. B. Jordan Wilson's Estate; Lady Le Despencer's Estate; Mariners and General Life Assurance; London Gas Light Company; Croydon and Epsom Railway.

PETITIONS PRESENTED. By Marquess of Normanby, from Medical Practitioners of East London, for the Adoption of Measures for the Improvement of the Sanatory Condition of the People.—By Lord Cottenham, from Debtor Prisoners of Qneen's Prison, and Whitecross-street, in favour of the Creditors and Debtors Bill; and from St. Helen's, Lancashire, against depriving Courts for the Recovery of Small Debts of their present powers.—By Duke of Richmond, from Steyning, for Protection to Agriculture.—From the Nobility, Gentry, and others of

Portarlington, respecting the Waldenesian Protestants of Piedmont. — From Marylebone, for Inquiry into the operation of the Anatomy Act.

SUDBURY DISFRANCHISEMENT BILL.] Order of the Day for the Second Reading, and for Counsel to be heard, read. Mr. Sergeant Wrangham and Mr. Talbot appearing as Counsel in support of the Petition of the Mayor, Aldermen, and Burgesses of Sudbury against the said Bill, Mr. Sergeant Wrangham was heard on behalf of the said Petitioners. The Counsel were directed to withdraw.

ACTIONS FOR GAMING DISCONTINUANCE (No. 2).] Order of the Day for the House to be put into Committee, and for James Thomas Russell to attend, read: Counsel, and the said James Thomas Russell, were called in: The evidence given by the said James Thomas Russell on Friday last, was read to him by the Clerk at the Table: Witness further examined—

The Earl of *Radnor*: I speak to order.

Counsel and Witness directed to withdraw.

The Earl of *Radnor* said, that on Friday he refrained, with reluctance, from interrupting the examination of his noble and learned Friend. Knowing the great legal abilities of his noble and learned Friend, and hearing it stated that the Lord Chief Justice of England was of opinion that the witness was bound to answer the question, he (the Earl of Radnor) was unwilling to state any reasons why in his opinion the House should not require the witness to answer the question; but the more he considered the matter after he left the House, the stronger the reasons appeared to him why they ought not, in justice or in law, to call on the witness to answer the question, or to commit him if he refused to answer it. Their Lordships would be pleased to consider the situation in which this witness stood, and the circumstances under which he appeared at the Bar of the House. A Bill had been introduced, brought up from the other House, extending for twelve months a Bill brought in and passed early in the Session, for discontinuing certain *qui tam* actions, brought on account of horse-racing. That Bill discontinued these actions for twelve months, and the object of the present Bill was to further discontinue them until the end of the next Session of Parliament. On the second reading of that Bill his noble and learned Friend (Lord Campbell) presented a petition from a person signing himself Charles Henry Russell, stating that he was interested in opposing the Bill, and praying that he might be heard by Counsel at the Bar against its passing. That petition was presented after the second reading, but previously to going into Committee, and the prayer of the petitioner to hear Counsel against the Bill was agreed to. After the Counsel had been heard, his noble and learned Friend on the Woolsack stated that it ought to be shown that the petitioner was interested in the case, and the Counsel was desired, by producing the writs, to prove that the petitioner was interested in the case. This he (the Earl of Radnor) thought was a little late in the day, particularly after Counsel had been heard. However, the omission having been made in the first instance, it appeared to him only fair, that the matter should be set right. The Counsel said, that he was not aware that he should be called upon to prove that fact by evidence —the production of the writ he had apprehended would have been sufficient evidence—but he produced not the writ but the attorney, the person employed to bring these *qui tam* actions, to prove the fact required. The witness just now at the Bar was that attorney, and he told their Lordships that his brother was the plaintiff in these *qui tam* actions—that that brother of his, being his clerk, was aided in carrying on these actions by a person who wished to have his name concealed, and that was the name for refusing to divulge which the witness was threatened with commitment. An order was made on Friday, directing that the evidence should be printed, and likewise certain evidence which had been given before a Committee of that House, sitting on the subject of the Gaming Laws, and which had been circulated amongst their Lordships. He (the Earl of Radnor) understood at the time, that the reason for publishing that evidence was to prove that this witness had contradicted himself in the evidence which he had given before the Committee, and in the evidence which he had given before the House. He (the Earl of Radnor) had carefully gone through that evidence, and he did not believe that there was any such contradiction; but even if there were, he must submit that there was no cause for committing him. But in this evidence he found that this man gave a very fair account of the transaction. He did not mean to say that the character of the persons concerned was a fair character; but this man gave a very fair account of the transaction. He said that a person came to him whom he knew not, who wished to put an end to the practice of those great and ruinous bets upon the turf, which were so common, and he asked him whether he could not do so, by bringing *qui tam* actions? The witness said that at that time he did not know that person; but that, in consequence of the application thus made to him by this person, whether gentleman or non-gentleman he (the Earl of Radnor) did not know, he instructed him to take the opinion of Mr. Erle, and Mr. Erle's opinion was favourable to proceeding by *qui tam* actions. This he communicated to this person, who was still unknown to him, who said that he did not wish to appear in the transaction, and that he wished that the witness, the attorney, would point out a person who would act as plaintiff in the transaction. He (the Earl of Radnor) had never had anything to do with *qui tam* actions, and he must say that this appeared to him to be a fair and natural proceeding. Here was a person, gentleman or no gentleman, and he thought that it was quite consistent with the most respectable character that a man could have, that he should wish to put an end to these gaming transactions, which were notoriously taking place in consequence of horse-racing, and he could conceive that however respectable he might be, he might not like to be handed up and his name put forth as the promoter of these *qui tam* actions, especially as a very large portion of the penalties would go into his own pocket. He (the Earl of Radnor) could not help thinking that the transaction on the face of it was perfectly fair, and that the gentleman, whose name they had been endeavouring to get at, had acted justifiably in employing an attorney to put an end to such transactions, and in directing that attorney to employ a person to be the plaintiff in these actions. From the evidence given by this witness, his brother, Charles Henry Russell, the petitioner, was, to all intents, his client; and he told their Lordships in his petition, that he was aided in this business by money advanced to him by other parties. There appeared to be nothing improper as far as this went, and he (the Earl of Radnor) could not understand, for the life of him, what right the House had to call for this person's name. He likewise learnt, from the printed Report of the evidence taken before the Select Committee, that great anxiety had been shown there to fish out this person's name, and for this particular purpose (which was one to which he thought their Lordships would not lend themselves), that if the Earl of Eglintoun, a Member of their Lordships' House, against whom one of these actions was pending, should not be cast in the action, he might find out who were the parties against whom he might recover whatever he might by law have a right to recover, in consequence of the proceedings which had been taken against him. He thought that their Lordships would not lend themselves to aiding such an object, as they had this witness before them for a totally distinct object. This witness was threatened with being committed. He (the Earl of Radnor) knew that the House had power to commit him, and that if he were unjustly committed he would have no remedy. Every Court had an undoubted right to commit for contempt. But had this man been guilty of any contempt of this Court? He spoke under correction; but he believed that mere want of respect —or refusing to answer what was desired —did not amount to contempt; he believed that it must be something which impeded the proceedings of the Court. In the case of Mr. O'Driscoll, which was before the House a few nights ago, the noble and learned Lord on the Woolsack argued that Mr. O'Driscoll did perfectly right to commit the man Dineen, he being a witness before him (Mr. O'Driscoll), and being able to give evidence upon the subject of inquiry, but refusing to do so, and was, therefore, guilty of contempt. But this man's contempt was nothing of the sort. What did they want to know in the present instance? They wished to know, whether Charles Henry Russell was interested, and this witness came before them and said, Charles Henry Russell was his brother, that he was the plaintiff in these actions, but that he was aided by some one. It therefore appeared to him, that they had no right to fish out anything further from this man, or to cross-examine him any further as to this particular point. There seemed to be no use in doing it, as it would not facilitate any proceeding, and as it had no connexion with anything which they had to do. On these grounds he therefore objected to the question being put by his noble and learned Friend.

Lord *Brougham* said, he regretted that his noble Friend had given so little of his excellent understanding to the particular question which he had put to the witness.

In the first place, the speech which his noble Friend had just delivered ought to have been reserved for a future stage of the proceedings, when he (Lord Brougham) or any other noble Lord was proceeding to compel the witness to answer the question by threatening him with imprisonment, or if he refused to answer, by moving that he be committed. Then the question would have arisen, whether his refusal to answer was a contempt; and then his noble Friend would have been right in urging, first, that the question was immaterial to the inquiry —for that would be an answer to the question of contempt; and second, that it was a question the witness was not bound to answer, whether it was material or not. But they had not yet come to that stage of the proceeding; for he was inquiring as to a fact of which evidence had been read, but not sufficiently expounded, and upon which they were not in a position to form a correct opinion as to whether the witness was compellable or not to answer the question. But if his noble Friend was wrong in that matter he would permit him to say that he was more marvellously in error as to the grounds which he laid down for protecting the witness from answering the question; for it was the first time in the course of his life that he had ever heard this proposition—that a witness could be protected from answering a question put to him by a Court. Why? because he had taken the opinion of counsel, and counsel learned in the law had told him that he was not bound to answer a question. He also begged his noble Friend to consider whether this was a tenable proposition—that they could not put this question because an unknown person came to the witness and told him to bring these *qui tam* actions. Why, was not that man his client? If he went to an attorney who did not know him and instructed him to bring some *qui tam* actions for a public spirited purpose as his noble Friend thought, but at the same time told the attorney not to make him the *qui tam* plaintiff, but some man of straw, and the attorney employed his clerk to act as plaintiff, was not that a juggle? Could any mortal being doubt, that the real employer in this case was the unknown person? Could any man say that the witness was not bound to disclose the name of his client? It was clear the witness could not protect himself against it. He might protect himself against answering what he had heard in the presence of his client and in consultation on that client's case; but that was not the ground of refusal which this witness took. He (Lord Brougham) admitted that this witness was not bound to answer the question he had put to him, unless he made it clearly appear that he had no knowledge of the name of that person; but it was quite the contrary. Then came the other question. His noble Friend said they had nothing to do with this inquiry, but he (Lord Brougham) said they had, and that this question was quite material. It was for the House to consider whether they had a right to have an answer to that question; and they should recollect that the Bill related to whether the petitioner had a right to have this Bill stopped, for if it turned out that this party had no interest in the Bill, but that another person was interested, it was quite clear they had a right to have that other person's name, and that it was most material to the inquiry. [A noble *Lord*: Why?] Because they could not get through the inquiry without it. [Lord *Wharncliffe*: The question is,—who is the party injured by the Bill?] That was the question; for when he was about to injure a party had he not a right to know against whom he was levelling this Act of Parliament? The law of the land was this,—if there were two parties before a court, one party had a right to ask his opponent in cross-examination any question he pleased for any purpose, and the court had a right to examine him on any one subject for any purpose which it thought would help the inquiry. Now, if his noble Friend had permitted him to put another question, he (Lord Brougham) and his noble and learned Friend on the Woolsack anticipated that the answer to that second question would have put an end to the inquiry, and would have rendered the committal of the witness unnecessary.

The Duke of *Richmond* said that his noble Friend (the Earl of Radnor) had taken up this case with great warmth and but little consideration. The noble Earl had accused the Committee of striving to fish out the name of an individual to serve the purposes of Lord Eglintoun. If that had been said out of the House, he (the Duke of Richmond) would have given it a very short answer—he had had no communication with Lord Eglintoun upon the subject. The facts of the case, however, were these. The Committee of the House of Commons having refused to examine this person, he complained that he was aggrieved and the Committee of their Lordships' House consented to call him in order that he might have an opportunity of clearing his character: and the only thanks they now got for so acting was, this charge of having put questions to him for the purpose of serving persons of their own party. The matter into which the Committee had to inquire was, the operation of the laws relating to gaming, and he thought it was quite consistent with this inquiry that they should ascertain who was the party who brought these *qui tam* actions. Why, it might happen that this very person who was afterwards to get half the proceeds of the penalties might be the foreman of the jury who was to try the case. This question, therefore, had been put by the Committee, but the witness having declined to answer it, they did not press it.

The Earl of *Eglintoun* said, that he had an equal right with the noble Chairman of the Committee to feel aggrieved at the accusation made by the noble Earl (Radnor). He begged to say, in answer to the surmise thrown out by the noble Earl opposite, that until he had mentioned the circumstance he (the Earl of Eglintoun) was not aware that the Committee had asked the question to which the noble Earl objected. He (the Earl of Eglintoun) believed tkat many Members of the Committee were very good friends of his, but he did not think that any of them would ask any questions from such unworthy motives as the noble Earl had imputed to them.

The Earl of *Radnor* begged to explain that he did not know until after he had got into the House that any action had been brought against the Earl of Eglintoun; and the impression which he had received from reading some of the questions put to the witness—he alluded more particularly to questions 229 and 238—was, that they were put with a view of ascertaining who was the real party who had brought these actions with a view of recovering the costs. He begged to add, that nothing which he had heard from the noble and learned Lord had removed his objection to this course of inquiry.

Counsel and witness again called in, and the witness further examined; and counsel and witness were again directed to withdraw.

The House was then put into Committee. Bill reported without Amendment.

SUDBURY DISFRANCHISEMENT BILL.] On the Order of the Day for the Second Reading of this Bill,

The *Lord Chancellor* said, that he wished to call the attention of the House to the second reading of this Bill. He did not know whether their Lordships had seen the evidence on which this Bill was founded, but he was sure if they had they would come to the conclusion that a more flagrant case of bribery and corruption had never before come under the notice of Parliament. This being the case, it became necessary, as an example to others, and as a punishment to the offenders, that this Bill should pass into a law. He would now shortly call the attention of their Lordships to these transactions as they appeared in the evidence before the House. It appeared that at the last election, in 1841, for the borough of Sudbury, Mr. Villiers and another Gentleman were candidates upon the Liberal side, and Mr. D. Jones and Mr. Taylor were candidates on the Conservative side. The two former Candidates were returned by a small majority, and two petitions were presented against this return; one of these two petitions prayed for a scrutiny, and the other prayed the House of Commons to declare the election void. It appeared that the petition for a scrutiny was unpopular, and none of the petitioners for the new election would join in that petition for a scrutiny, unless the petitioners for a scrutiny would join in a petition for a new election. The petition praying the House to declare the election void on the ground of bribery and corruption was presented and gone into. The House of Commons was satisfied that the case was made out, and declared the election void; and so satisfied were the Committee of the extent of bribery and corruption that had taken place in the borough, that they made a Special Report to that House, and in consequence a Bill was introduced in 1842 for the purpose of disfranchising the borough. That Bill passed through the House of Commons and came up to their Lordships' House late in the Session. The consequence of the Bill coming up at so late a period was, that a noble Marquess made that a ground of opposing the Bill—their Lordships concurred in opinion with him, and the Bill was consequently rejected. In the following Session, a Bill, directed to the same object, came up to their Lordships' House very early in the Session—he believed that it came up before Easter; counsel was heard at the Bar, and the Bill went through the usual course. In the interval, however, between the election, the declaration of the Committee of the House of Commons that the election was void, and since the appearance of that Bill in their Lordships' House, a great change had taken place in the borough of Sudbury. He had already stated, that one party had supported a petition for a scrutiny, and the other a petition for declaring the election void; but, when it came to be a question of the disfranchisement of the borough, both parties united and determined to support what they called their "rights;" namely, their right of receiving bribes. When the case came to be heard at their Lordships' Bar, scarcely a witness would give evidence with respect to the case so clearly made out before the Committee of the House of Commons. All acted on the principle which had been put forward, that they were not bound to criminate themselves. The consequence of this course of proceeding was, that no evidence could be obtained, and the Bill was withdrawn from a Second Reading. When, after some inquiry, both Houses of Parliament were satisfied of the grossness of the case that had been made out before the Election Committee, a Bill was introduced for the purpose of appointing a Commission to go to the spot and examine evidence as to the existence of bribery at the last election. That Bill having passed the House of Commons, was introduced to their Lordships' House, and passed without any objection, and became the law of the land. In consequence of that Bill having passed, Her Majesty appointed certain Commissioners, who went down to the borough to make inquiry as to the actual state of things. Those Commissioners made their Report, which contained a considerable body of evidence. He was sure that if their Lordships would look to that Report, and to the evidence, they would be satisfied that this was such a case as he had described. He was sure that their Lordships would be satisfied that it was a case of flagrant corruption, not merely of the freemen alone, but extending, as he (the Lord Chancellor) thought, to the great majority of the electors of the borough. When the Commissioners went down to the borough, they found great difficulty in accomplishing the objects for which they had been sent. They found every obstruction thrown in their way, and every possible difficulty opposed to their inquiry. They found on their arrival, that in one of the shop-windows of the borough the following placard was pasted: "Advice to Freemen;" and that advice was as follows:—"By a Clause in the Act of Parliament, no individual is bound to answer any question tending to criminate himself." In consequence of this knowledge of the immunity they possessed, when the Commissioners came down, the first gentleman they examined, an attorney by profession, refused to answer the questions put to him, on the ground that his answers would tend to criminate himself. He (the Lord Chancellor) was, however, bound to admit, that on a subsequent occasion, the gentleman gave very full and very clear evidence so far as it went; but unfortunately, the example he set on the first occasion in refusing to answer questions, was followed by the inhabitants of the borough, and the Commissioners found the greatest difficulty in obtaining evidence from them. It happened, however, that persons no longer resident in the borough, and no longer influenced by the feelings that prevailed there, were found to come forward to give evidence. The Commissioners stated with great truth and propriety, that many of the persons who had been brought forward for the purpose of contradicting the charge of bribery, in the course of their evidence contradicted themselves, and stated stories so improbable, as to render their evidence doubtful. It appeared that an old man of upwards of eighty years of age, who was listening to the evidence, was called forward to be examined. He asked, was it a solemn oath he was about to take? He was told that it was; and if the evidence which he gave was not true, he would be liable to a prosecution. In reply to a question, this old man stated that he had been listening to the account given by the witnesses of these transactions, and he must say that (such was the expression he used) "many of the witnesses had swallowed sweet morsels." This witness then went into a statement of his own experience of the bribery which had prevailed. The Bill under which the Commissioners were appointed to inquire, only related to the proceedings of the last election; as it was thought that it would lead to too much expense and delay to embrace the proceedings of former elections. However, the circumstances arising out of the inquiry with respect to the last election satisfied everybody that what had occurred then was only a repetition of what had occurred at every former election. The noble and learned Lord proceeded to detail circumstances of flagrant corruption and bribery which occurred in the borough of Sudbury at the last election, by which it appeared that the one side spent 1,600*l.*, and the other 3,000*l.*; and that the party who spent the least lost. He now came to the evidence. The Commissioners stated that on the Liberal side 200 votes were purchased at an expense of 1,400*l.*; and it appeared that the other side also expended a sum of 1,400*l.*, so that they must have obtained a similar number of votes. With respect to the balance of the 3,000*l.*, there could be no doubt that it was applied the same way; for it was clear that there had been immense treating. The instant Massey went down the public-houses were opened, and not only were no legal expences paid, but the public house expences remained unliquidated. There was no doubt, therefore, that the balance of the 3,000*l.* was spent for improper and corrupt purposes. The proof of bribery did not extend beyond the 10*l.* householders; and he neither said nor suggested that the respectable portion of the population of the borough received bribes. It was, however, a material fact, that the respectable portion of the constituency did know all that was going on, and even sanctioned it; and this was undeniable, as the lists were handed in to Mr. Francis Goodday: they were consequently, responsible for all that had occurred, and quite as much so as the parties who had actually received the bribes; and, having a guilty knowledge, they ought to be made responsible, and had no right whatever to complain, if they were made to bear the consequences of the corruption which they had sanctioned. As honourable and upright men they were bound, instead of countenancing corruption, to have prevented and exposed it; but this they did not do; and the extraordinary thing was, that when asked questions, they sheltered themselves under the Act of Parliament, and excused themselves from answering the questions put them, by saying that they were not bound to criminate themselves. He, therefore, asserted before their Lordships, that a case was made out against all parties; and that in the course of the inquiry circumstances crept out which went to show, that in this borough there was an inveterate habit of bribery and corruption —the very fact that names were given to particular classes, proved that. Those who were designated "party men," had long been in the habit of going round among the constituency to procure votes, and the "rats," who belonged to the other side, did exactly the same for their party. There was another name known in the borough of Sudbury, viz. "fixtures;" and he would explain to their Lordships what this term meant. The instant a contest was expected, the public-houses were thrown open, and when the candidate got sick of the result, he went away, leaving the public-houses expences unpaid; and when a new candidate presented himself he was told, "we cannot support you unless you discharge the debts due to the fixtures." Now, this showed that in this borough there was an old and inveterate system of bribery and corruption. He thought he had stated enough to justify him in asking their Lordships to read this Bill a second time; and although he had only given an outline, he was satisfied that those of their Lordships who had read the evidence, and were acquainted with the details, would admit that he had not overstated the case. That this Bill was one of disfranchisement they were all agreed, but the difficulty was as to the two seats, and how they were to be disposed of. On this subject there were a variety of suggestions—some saying that they should enlarge the sphere by giving the borough to the county; while others thought that it should be joined with some other large and populous town. There were various objections to the Bill, on the ground of the seats; but he agreed with what Lord John Russell said in the East Retford case—and he regarded the noble Lord as an authority on that point—that their Lordships' best course was to disfranchise the borough now, and in the next Session consider how the seats should be disposed of. If their Lordships adopted that course, he thought the example would prevent the recurrence of such practices, and it was on this ground that he should now move that the Bill should be read a second time.

Lord *Brougham* said, no one could have heard the very luminous statement of his noble and learned Friend without quite going along with him; and often as he had had occasion to admire his noble and learned Friend, he had never admired him more than in the delivery of that perfect model of a clear and perspicuous, and, at the same time, convincing statement of facts. He entirely agreed with his noble and learned Friend in the conclusion at which he had arrived. He wished, however, merely to remark, by way of protest against this being rashly and inconsiderately drawn into a precedent—that it was without example to legislate as the other House had done on a great constitutional question—the question of the disfranchisement of a borough — upon evidence taken, not by themselves, but by a Commission appointed for the purpose. He believed this was the first instance in which such a course had been taken. At the same time, as this was not a Commission appointed by the Crown, that made a material difference as to the constitutional view. He could never recommend their Lordships to legislate upon a Commission appointed by the Crown, but this was a Commission appointed by both Houses of Parliament, with the Royal Assent, and consequently these were Parliamentary Commissioners to whom were delegated, for convenience sake, the powers of Parliament. It was on that ground that he did not take a preliminary objection. On the evidence he should make no comment, but his noble and learned Friend was abundantly borne out in the statement he had made, but he wished only to state that this was a gross and lamentable case, mixed up, no doubt, with circumstances which it was impossible not to feel were of a ludicrous character; but the melancholy part of the case was as mournful to contemplate as if there were no tinge of ridicule cast over the surface, and blended with all the transactions. There were some scores, perhaps hundreds, of our fellow-subjects, who had all incurred the guilt of bribery, or by giving, or countenancing the gift of sums of money, to swerve for the lucre of gain, from sordid, base, and venal motives —to swerve from the discharge of a duty —to forfeit a trust—to violate a responsibility which the Constitution of their country—of their free country—invested in the hands of the voter—and to make a mere means of traffic that which ought to be an exercise of conscience—to sell that conscience, and to make it liable to the dictates of fear in some instances, and of corruption in others. But this was not all. The parties bribed, and the parties bribers, and those who were cognizant of and countenancing these acts of bribery, incurred the guilt of perjury as well as bribery. What though the bribery oath were not administered in each case to those venal wretches, they were ready to have taken it if it had been administered. He had frequently taken occasion to express his opinion on this important subject, because the course of public feeling was not in the right direction upon it—the matter was too lightly treated, and men did not reflect sufficiently upon the evil which they were causing and enticing and seducing others to commit. If these things were kept before the minds of men, candidates as well as electors, his belief was that we should gradually reclaim and improve the practice, and lay the foundation of wholesome practices at elections. He knew that Sudbury was far from being the only case of the kind, and he regretted that other cases had not been brought forward which had occurred in various other parts of the Kingdom, where equally corrupt proceedings had taken place. He agreed with his noble and learned Friend in thinking that they ought to proceed with the disfranchisement now, and they could hereafter consider any other measure it might be necessary to adopt.

Bill read a second time.

CHARITABLE TRUSTS BILL.] Order of the Day for the Second Reading, read.

The *Lord Chancellor* rose to move the second reading of the Bill, and said, that it appeared from the Report of the Commissioners appointed to inquire into Charitable Bequests, that there were 13,000 Charitable Trusts, whose annual incomes did not severally exceed 5*l.* per annum; 17,000 or 18,000 under 10*l.*; and nearly 20,000 under 20*l.* The powers of the Court of Chancery could not be, in consequence of the great expense, rendered available for superintending those trusts, and the consequence was, they were left without any control. That a sum exceeding 30,000*l.* a year should be left without any superintending control created surprise, and even astonishment; and the evil could only be provided against by giving to some tribunal a summary jurisdiction, to regulate those charities, consistently with the amount of their income as compared with the necessary expenses. The object of this Bill was to provide a proper tribunal and meet that evil. The Bill had a limited application, only applying to charities in which a certain amount of property was concerned, and thus applying merely to such cases as absolutely required this tribunal. The Bill proposed that Commissioners should be appointed by the Secretary of State with power to superintend these charities, and prevent abuses in their distribution; but he was ready, if any noble Lord proposed a better mode than that of meeting the evil, to adopt it and renounce his own. Their Lordships would admit that it was extremely desirable that some mode should be adopted of investigating the accounts of those charities, and obtaining returns, and he intended to propose a power to effect that. He proposed that an Inspector should be appointed to examine into the condition of the charities which would be affected by this Bill, and to make a report to the Commissioners, who would, whenever it was necessary, lay any particular case before the Attorney General. It was very desirable that the funds of such charities as those to which the Bill applied should be looked after, for in many cases the property had altogether been lost from want of such a controlling jurisdiction. It often happened that property vanished altogether, in consequence of the non-appointment of trustees after the death of the former trustees, and he proposed to give a power of appointing new trustees where it was necessary for the interests of a charity to do so. A power of that kind was now exercised by the Court of Chancery, but it was one of a very expensive nature, and, therefore could not be applied with advantage to charities in which only a small amount of property was involved. The appointment by the Court of Chancery was made by application to the Chancellor, who then referred it to the Master and the Master examined witnesses, and made his report to the Lord Chancellor, and the Chancellor finally gave his decision; but as all the parties concerned, or who thought they were concerned, had a right to be heard, it was an expensive proceeding, seldom costing less than 60*l.* or 70*l.* Now, he proposed a mode of obviating that by this Bill. It might, perhaps, not be the best mode which could be adopted, but when the Bill went into Committee he should be glad to adopt any suggestion with a view to obtaining a better mode. He wished to have it read a second time, in order that they might adopt any alterations which could have the effect of improving it.

The Bishop of *London* said, the country was indebted to the noble and learned Lord for taking up the subject, for there was no doubt that many of the smaller charities of the country had suffered greatly from the effect of the present mode in which they were regulated, and that much of the good which would otherwise arise from them was thus lost. He fully concurred in the principles laid down by the noble Lord; and, indeed, he concurred in the principles of the Bill, but he nevertheless would intreat the noble and learned Lord not to press it through Committee during the present Session. The object of the Bill was to prevent a continuance of evils which now exist, and it was therefore a good one, yet he feared that great evil would arise, and much injustice would be done, by an Act which was intended to prevent it, if they did not properly consider and deliberate upon its provisions before they agreed to it. The Bill, though limited to charities with particular incomes, yet included nearly all the educational charities of the country. The Bishops were visitors of those educational charities; for where they were not officially or legally the visitors, Bishops or other ecclesiastics were bound by their duty to act as such, and he thought that no provision ought to be agreed to which would interfere with the influence which the Church had over charities which were established for educational or Church purposes. This was a period of the year at which many of the Bishops were called away from their Lordships' House to the country by their official duties, and he thought that no measure affecting the Church, or the interest of education as connected with the Church, ought to be passed at a period of the Session when they were unavoidably absent. He acknowledged the obligation of the country to the noble and learned Lord for his exertions to remove those evils which pressed like an incubus upon the charities of the country; yet he wished that the noble and learned Lord would not press the Bill through any further stage at this period of the Session. It ought, in his opinion, to be introduced at an early period next Session, when there would be sufficient time to consider its provisions, and when all those who were interested in the Bill could be present.

The *Lord Chancellor* said, he had considered the question to which the right rev. Prelate referred, and it was his intention to introduce a Clause for the purpose of preserving that control where there was a legal right to exercise it.

Lord *Wrottesley* was anxious to see the Bill pass into a law, and he hoped that if it were not agreed to during this Session it would be introduced at an early period next Session. There were some important omissions in the Bill as it now stood. There was no power given, as he understood it, for the appointment of new trustees in cases of real estate, nor was there any authority given to the Commissioners to vary the directions of the founders of charities in cases where they were found impracticable, or unsuited to the present position and character of society. There was another point to which he would beg to call their Lordships' attention in connection with this subject. The distribution of certain trust funds at present was of such a nature, that although there might be no abuse in that distribution, yet it was calculated to be injurious to the interests of the poor for whose alleged benefit the trusts were intended, and to be destructive to their morals. Very large sums were given in small amounts, and without any due discrimination of the persons to whom they were distributed, or the selection of proper objects. Very important evidence was given on that subject before the Poor Law Commission, and in consequence of that the Poor Law Commissioners alluded to it in their Report; but nothing had been since done with reference to it. He thanked the noble and learned Lord for bringing forward the Bill.

The *Lord Chancellor* said, that the 26th Clause gave a power to appoint trustees as well with regard to real estate as personal estate. There was also a provision with respect to cases in which the intentions of the founder were not carried into effect under certain circumstances. In cases where the income of Charities was beyond the limit proposed by the Bill, the subject could be brought before the Court of Chancery.

Lord *Campbell* said, they were all indebted to his noble Friend near him for the information which he had given them upon this subject. He (Lord Campbell) felt strongly the importance of legislation on this subject, and he believed that the Bill of his noble and learned Friend, with alterations and amendments, would be a great improvement as regarded the branch of charities to which it was to be applied. He concurred with the right rev. Prelate in requesting the noble and learned Lord not to press the Bill this Session. It was of infinite importance that such a number of trusts, involving so large an amount of property, should be subjected to a proper regulation and supervision. He believed that there were some important omissions, but they might afterwards be supplied. He thought the matter ought to be referred to a Select Committee of their Lordships' House, and he (Lord Campbell) would willingly serve upon it, and afford all the information which he was capable of giving. He felt that, in the present Session, it was impossible that justice could be done to the subject, as it was so far advanced, and so many right rev. Prelates were necessarily absent. A similar Bill had been introduced last Session into the other House of Parliament by Sir George Grey, but withdrawn on the assurance that, early in the present Session, the Government would bring forward a Bill on their own responsibility. On the meeting of Parliament, Sir George Grey asked the Secretary of State for the Home Department whether the Bill would be brought forward, and he said it would be brought forward at an early period of the Session. The inquiry was several times renewed, and a similar answer given, and it was not until the 22nd of June last that a Bill of such vast importance was introduced—a Bill which proposed to deal with about 13,000 trusts, and property to a vast amount. The noble and learned Lord would consider next Session whether the power which he proposed to give to the Commissioners was not a formidable one. He (Lord Campbell) considered the principle of the Bill unobjectionable.

The *Lord Chancellor* said, he wished the Bill to be read a second time, and allowed to go through Committee, in order to see what amendments might be suggested from any quarter; and if there was anything suggested which he thought would be an improvement, he would show the utmost readiness to adopt it. Some such measure had been recommended eight or ten years ago by the Commissioners of Inquiry into Charitable Bequests, but nothing successful had been done as yet with respect to it. He had framed the Bill at an early period of the Session, but their Lordships were of course aware, that when in order to make the Bill as good as possible he laid himself open to any suggestions to that effect, that weeks or months might elapse before he had an opportunity of carrying his object into execution. In consequence of what had fallen from the right rev. Prelate, he would propose to read the Bill a second time, and go into Committee, with a view to consider and improve the Bill, and when that was done, in all probability the suggestion of the right rev. Prelate would be adopted. It was desirable to make the Bill as perfect as possible during the present Session, in order that it might be proceeded with next Session without delay.

The Bishop of *London* thought, that the worst course they could adopt was to go into Committee, when those who would be the most likely to suggest advantageous alterations would be unavoidably absent.

He should be sorry to see it pass through Committee, because he knew from experience that a Bill having once passed through Committee, would be looked upon as a deliberate act of their Lordships and would not be likely to receive much further attention.

Bill read a second time.

The *Lord Chancellor* then stated that it was not his intention to take any further steps with respect to the Bill this Session.

CHARITABLE DONATIONS AND BEQUESTS (IRELAND) BILL.] On the Motion of Lord *Wharncliffe*, this Bill was read a third time according to Order. Several amendments having been inserted, on the Motion of Lord Wharncliffe,

Lord *Monteagle* expressed his cordial thanks to the Government for this Bill, which, in its present form, would be in the highest degree satisfactory to the Roman Catholic population of Ireland. He would take this opportunity, also, of offering to the Government his earnest thanks for the declaration which, in another place, they had, with so much courage and honesty, made of their intentions with reference to the promotion of education in Ireland on liberal and comprehensive principles, embracing the academical education there of the middle and higher classes of the Roman Catholics, and, above all, the improved education of the Roman Catholic Clergy, the enabling the College of Maynooth to extend its sphere of usefulness. The declaration thus made by the Government entitled it to the gratitude, not only of the Roman Catholics, but also to that of the Protestants of Ireland.

The Bill then passed.

ROMAN CATHOLIC PENAL ACTS REPEAL BILL.] Order of the Day for the House to be put into Committee, read.

Lord *Beaumont* moved that the House resolve itself into Committee.

The Bishop of *London* objected to the Bill, which, he said, was a measure which would go to no less than the establishment of the supremacy of the Pope in this country, and the repeal of some thirty Acts of Parliament, affecting the most important interests of this country, as well as the prerogatives of the Crown, and the religion of the kingdom. Some of the provisions of this Bill would interfere with the Act of Uniformity, and others with more recent enactments, including the great settlement of the question between their Roman Catholic and Protestant fellow subjects. It would go to repeal those securities—though nominal, certainly, it might be said they were—which were taken on the concession that was recently made to the Roman Catholics; and to this he, for one, was not prepared to consent. What he had chiefly risen for, however, was to protest against their Lordships going into Committee, or, indeed, legislating at all with regard to this Bill, in the necessary absence, at the present moment, of those who were the natural and legally constituted guardians of the religion of the country. He well knew that the feeling of the country was in that unsettled state on this subject, that, if their Lordships took upon themselves to legislate upon it at this period of the Session, and in the absence of his right rev. Brethren, the Church of England would have great cause to complain. He understood that it was the intention of the noble Lord to strike out a considerable portion of the provisions of this Bill, and only to carry such parts of it as the Government and the noble Lord (the Chancellor) did not object to. But he thought that, under the circumstances he had stated, discussion upon it at the present moment would be objectionable and improper, and he was persuaded that the country, if they did, would hear it with surprise and astonishment. He did did not go so far as to say that all the enactments in this measure were dangerous to the Church, but at the same time, holding the opinions which he entertained upon other portions of it, he begged to move as an Amendment, that their Lordships resolve themselves into Committee upon it that day three months.

[Amendment moved to leave out " now' and insert " this day three months."]

Lord *Beaumont* said, he entirely acquitted the rev. Prelate of being influenced by personal feelings on the present occasion, but he (Lord Beaumont) must beg leave to state his astonishment at a rev. Prelate being found in this the nineteenth century, willing or ready to defend such enactments as the Bill was intended to repeal. Had the rev. Prelate looked into those Statutes, had he studied their character, was he aware of the penalties they inflicted, or the deeds both of commission and omission which they made capital crimes? If he had examined those Acts, if he spoke with any knowledge of the subject, he (Lord Beaumont) would not only express his surprise but his indignation at hearing a Member of their Lordships' House declare in his place, that he thought it still necessary to keep these bitter enactments in force against so large a portion of his fellow-subjects. What, was the rev. Prelate still anxious in these days of mutual toleration to keep the axe and the sword still suspended over the heads of his Roman Catholic countrymen? Did he still wish that the law of præmunire should be in force against them, and that for the most ordinary acts of their religion, they should be liable to the penalties of high treason. Was the rev. Prelate really aware of how these numerous Acts operated, or what inducement was held out to put them in execution? He (Lord Beaumont) would state to the House, albeit briefly, how the case stood. Under the combined operation of the Penal and Toleration Acts, the Roman Catholics of this realm were divided into two distinct classes—the one qualified, the other unqualified—the qualified class were such as had taken the oaths prescribed by the Toleration Acts or the oath substituted in place of such oaths by the Emancipation Act? The unqualified were those who had not taken the oaths, or not complied with each and every condition required by the 18th and 32nd of George III. The former were exempt from the direct operation of the Penal Statutes recited in the Bill, but suffered indirectly from them, as he (Lord Beaumont) would presently show. The latter, namely, the unqualified, stood in a very different position:—against them the whole of these Penal Acts were in force, and there was nothing to prevent any evil-minded person from proceeding under them against any unqualified Roman Catholic in the realm, however high his character or position might be. Their Lordships would be surprised when he stated the comparative numbers of the qualified and unqualified; but he (Lord Beaumont) felt that he was not exaggerating the case when he said that not more than one in a hundred had taken the oaths prescribed. Ninety-nine in every hundred Roman Catholics were liable to be dragged before the tribunals of this country, and there tried for offences, which the law punished with the utmost severity, but which were hourly committed in open day by every Roman Catholic; they were at the mercy of informers;—they had no legal status, but were in the eye of the law no more than aliens or public enemies. The daily acts of their religion came within the compass of a præmunire, and some of the highest members of the British aristocracy were subject under these Statutes to the most galling insults. Members of ancient families, who in loyalty and patriotism stood second to none in the kingdom, were designated by these Statutes as traitors to their Sovereign, and foes to the Constitution. Did the rev. Prelate deem it advisable that such a state of the law, should be continued, or that the heavy pains and penalties of former and more dangerous times should be still held *in terrorem* over the heads of loyal Catholics of the present day? Did he consider it necessary either for the protection of the establishment or the interests of religion? Were these disgusting acts the bulwarks of the Church, and necessary supports of the Protestant Faith? Was the influence of Rome and the power of the Pope so great in Europe, that these fortifications were necessary to keep this Protestant country secure from a successful invasion? No, my Lords (the noble Lord continued) I will not accuse the rev. Prelate of entertaining such fond and ridiculous fears. The time has been, I confess, when similar alarms were neither ill-founded nor uncommon: there was a period in our history when the machinations of the Jesuits, the conspiracies of the nobles, and the general want of loyalty amongst the Catholics of England, made such laws as these not only excusable but advisable. The intrigues of Rome had then their ramifications in this country, and foreign plots found willing instruments even amongst the wealthy members of the Catholic body. But that state of things has gone by—those times are long past. The position of parties is changed not only in England but in the rest of Europe. Where are now the plots and counter-plots of Catholics to upset the constitution? Where are the deep-laid conspiracies of Jesuits and their pupils to establish a foreign supremacy? Will the rev. Prelate point out one single dark and treasonable design which could justify such enactments in the present day? My Lords, he cannot. Not one of your Lordships would venture to propose such enactments in these times: how can you then justify their continuance on the Statute Book? They are either good or bad: if they are good, they ought to be enforced; if they are bad, they ought to be repealed. Justify them by acting up to them, or disown them by repealing them. Do not imagine that they are dead letters: they may not directly, but they do indirectly work to the injury of Roman Catholics. If, for instance in a charitable donation or bequest for religious purposes, any of the parties concerned therein, testator, donor, trustee, or legatee, chance to be an unqualified person, the whole is vitiated and void. Recent judgments in the courts below, might be quoted as illustrations of the confused state of the law in respect to charitable donations, where the parties are still exposed to the Penal Acts, or the object of the charity is implied by them to be a superstitious use. But it is not so much the indirect injury they do, that I complain of, as the direct annoyance they may possibly give. Let it not be said that these Statutes are for ever laid upon the shelf, and not liable to be again taken down. The experience of the present Session should convince us that there are in the world a sufficient number of ill-conditioned people, who would for trifling rewards, commence proceedings under obsolete Acts, and render it necessary for the Legislature to adopt the inconvenient course of passing Indemnity Bills. This has been the case in respect to the now well-known Gaming Laws; this has also occurred in the forestalling and similar Acts which have recently been repealed by a Bill of my noble Friends; not two days since, you were told of proceedings under an obsolete Act which rendered the Butter and Cheese Bill necessary. Why then, my Lords should you fancy that these old Statutes will be allowed to slumber on their shelves, and that no Angelo will be found to awake the enrolled penalties, and put the drowsy and neglected Acts freshly on us? But whether they are put in force or not, there they are, a disgrace to the Statute Book, a blot on the history of the Legislature and the grounds for imputations of intolerance against the Established Church. In this respect I beg of the right rev. Prelate to reconsider the subject, and weigh well the impression the world will receive of Protestant toleration, when they hear that he on behalf of the Church came down to the Parliament, and in his place implored the House of Lords, to retain on the Statute Book these cruel and revolting enactments. I would not remove one single proof which really supported the Church, for I believe that the Protestant Church has generally been friendly and of use to the liberties of the subject; but these stringent laws are in the present state of society rather detrimental than advantageous to the interests of the Establishment. I believe that they furnish grounds for attack against it, and are often quoted to inspire horror of its temporal policy. But I will be fair in my dealings with the rev. Prelate's objections, and promise him, that if he can establish clearly the utility of one of these Acts in respect to the Church, I will strike it out of my Bill, and leave it on the Statute Book. I will go further; the Bill has been maturely considered by my noble and learned Friend on the Woolsack, and if he assures me that one of these laws is necessary to the defence of the religion of the State, I will bow my humble opinion to his superior judgment, and that law shall remain unrepealed. Can I act more candidly—can I act more justly? I cannot suppose that the rev. Prelate, or indeed any of your Lordships have been so indifferent to the social revolution which is always going on, as to have totally disregarded passing events in the north of Italy and the whole of Germany. I cannot imagine you to be insensible of the gradual decrease of the temporal power and political influence which the Papal See in its day of grandeur formerly exercised in those regions. The arm which once overawed Europe, is annually shrinking, and its temporal sway is now scarcely felt beyond the frontiers of the Pontiff's own dominions. Yet these countries neither employed weapons such as these Acts to repel the Roman Propaganda, nor fortify themselves with a line of Penal Statutes in the dread of an invasion. The result has been that in those parts of the Continent where the Governments have not insulted liberty of conscience by Penal Laws, persons of both creeds live together in peace, amity, and good-fellowship. There are fewer Sectarian animosities, and fewer polemical controversies. Let not this experience be thrown away nor this example set in vain; but by removing what is offensive to the feelings of a large portion of the community, deprive the discontented of their stock-in-hand of complaints. The rev. Prelate accuses me of taking the House by surprise, and not allowing sufficient time for the subject to be considered—but what is the true history of this Bill? I presented it early in May, I immediately on its being printed, called the attention of the noble and learned Lord on the Woolsack to it: my noble and learned Friend wished it to be referred to the Criminal Law Commissioners, who though they had already gone through the subject, again reconsidered it, and again reported on it to my noble and learned Friend. My noble and learned Friend then laid it before several of the rev. Bench, and I was informed that their attention was particularly called by the noble Lord on the Woolsack to the provisions of the Bill. I have never let the subject rest since I first introduced it, but have troubled my noble and learned Friend early and late, in order that he might not say he was taken by surprise, when I determined to proceed with the Bill. What becomes then of the complaint of the rev. Prelate? The matter is not new—the question of repealing these Statutes has long attracted attention—their continuance on our Statute Book, was considered a disgrace to society by Sir William Blackstone. His recommendation to revise them, was given more than a century ago, and has the violence of religious fanaticism, or the inclination to establish a foreign supremacy advanced or retrograded in the lapse of time which has intervened since Sir William Blackstone wrote his opinion of these severe laws, and the date when the Criminal Law Commissioners quoted that learned authority in support of their own convictions. So powerful an expression, and so conclusive in its argument this document appears to me to be, that I cannot refrain from imitating the example of the Commissioners, and quoting it at length to the House.

> "This is a short summary of the laws against the Papists under their three several Clauses of persons professing the Popish religion, Popish recusant convicts, and Popish priests; of which the President Montesquieu observes, that they are so rigorous, though not professedly of the sanguinary kind, that they do all the hurt that can possibly be done in cold blood."

But in answer to this it may be observed (what foreigners who only judge from our Statute Book, are not fully apprised of) that these laws are seldom exerted to their utmost rigour, and indeed if they were, it would be very difficult to excuse them. For they are rather to be accounted for from their history and the urgency of the times which produced them than to be approved (upon a cool review) as a standing system of law. The restless machinations of the Jesuits during the reign of Elizabeth, the turbulence and uneasiness of the Papists under the new religious establishment, and the boldness of their hopes and wishes for the succession of the Queen of Scots, obliged the Parliament to counteract so dangerous a spirit by laws of a great and perhaps then necessary severity. The powder treason in the succeeding reign, struck a panic into James I., which operated in different ways. It occasioned the enacting of new laws against the Papists, but deterred him from putting them in execution. The intrigues of Queen Henrietta, in the reign of Charles I., the prospect of a Popish succession in that of Charles II., the assassination plot in the reign of King William, and the avowed claim of a Popish Pretender to the Crown in that and subsequent reigns will account for the extension of these penalties at those several periods of our history. But if a time should ever arrive, and perhaps it is not very distant when all fears of a Pretender shall have vanished, and the power and influence of the Pope shall become feeble, ridiculous, and despicable, not only in England but in every kingdom of Europe, it probably would not then be amiss to review and soften these rigorous edicts, at least till the evil principles of the Roman Catholics called again upon the Legislature to renew them, for it ought not to be left in the breast of every merciless bigot to draw down the vengeance of these occasional laws upon inoffensive, though mistaken subjects, in opposition to the lenient inclinations of the civil magistrate, and to the destruction of every principle of toleration and religious liberty. After such language as this, which I have read to your Lordships, it would be presumption to add any further remarks of my own.

The Bishop of *London* observed, that the noble Lord had replied to a speech which he had probably supposed would have been made, rather than to one which had been made. He did not mean to say that it would not be desirable to repeal some of these laws, for he went so far as to say, that he was of opinion that some of them might be safely repealed; but at the same time he thought, that such a change in the law required great consideration, and ought to emanate from the Government and not from any private quarter. He also objected to the Bill on the ground of the time at which it had been brought forward. He objected to such a measure being brought forward at nearly the close of the Session, when it was impossible it could receive that attention in the other House which its importance required, and, above all, he objected to its being brought forward when so few of his right reverend brethren were present, to whom the guardianship of the Church was more particularly intrusted. He denied that any practical inconvenience could arise from letting the matter stand over until next year, and during the meantime the attention of the Government might be directed to the subject. It was notorious that these laws were, in point of fact, obsolete, and no attempt had been made for the last sixty years to put them in force, and there was not the slightest probability that any such attempt would be made.

The *Lord Chancellor* believed that the House would recollect, that he stated on a former occasion, that the Criminal Law would undergo the consideration and revision of the Government during the recess, with a view to make some proposition with respect to its consolidation next year. On this ground he had recommended his noble Friend not to proceed with this Bill; but as his noble Friend was unwilling to do so, he (the Lord Chancellor) requested to have an opportunity of considering the Bill, and then referred it to the Criminal Law Commissioners. Those gentlemen revised the Bill, and they struck out several clauses, and introduced certain alterations, but most of the Bill remained. He had afterwards referred the Bill to a gentleman in the confidence of himself and the Government, who, on consideration, did not think that it was desirable, or that it was expedient, to strike out so much as the Commissioners recommended. He had then asked the right rev. Prelate to name a person in the confidence of the Church to whom the Bill might be referred, but the right rev. Prelate replied, that it was too late to give an opinion on it during that Session. He then told the right rev. Prelate, that he would consent to strike out any Clause about which any doubt was entertained. Some of the old laws, which it was proposed in this Bill to repeal, were of the most severe character, and of which he was sure that the right rev. Prelate would not approve. For instance, by an Act of Elizabeth it was enacted, that any one who disputed the Queen's supremacy as head of the Church, for the first offence was liable to punishment for a misdemeanor, with fine and imprisonment; for the second offence was guilty of felony, and was liable to all the punishment of *præmunire*; and if guilty of a third offence, he was to be adjudged guilty of high treason. Now, in the alterations which he proposed in the Bill, he left in the misdemeanor for certain matters contained in the Act, and struck out felony and high treason. He was quite sure, when the alterations which he proposed to introduce were made in the Bill, that there was not a single Clause in it which could be objected to. With respect to the complaint as to the late period at which it had been brought forward, he must at once admit that it was ascribable to himself, for the matter in question was a complicated subject, and he had been obliged to consult several persons. He would suggest that the Amendments which he recommended should be introduced at once into the Bill, and that it should be reprinted, so that the provisions of the Bill might be made known both in and out of Parliament. If this course was adopted, he felt assured that all parties would regard this as a judicious and moderate measure.

Lord *Campbell* suggested that the Bill should be committed *pro formâ*, so as to introduce the alterations, and to be reprinted without delay. The right hon. Prelate would then be able to consider and examine the subject, and he (Lord Campbell) felt assured that he would not entertain the slightest objection to the Bill. It was quite clear that many Acts, which it was the object of this Bill to repeal, were absolutely disgraceful to the Statute Book, and he was sure that the right rev. Prelate would not wish them to remain in that Book if he was aware of their nature. Many of these Acts had been lost sight of, and if any informer should happen to get hold of them, he might commence an enormous number of *qui tam* actions. He objected to the introduction of Bills to stop actions in Courts of Law already commenced, and to obviate this it was the duty of Parliament to repeal such laws, as they were disgraceful to the Statute Book.

The Earl of *Wicklow* thought that there had been a general understanding that the Bill, as amended by the noble and learned Lord on the Woolsack, was to pass into a law. He therefore deeply regretted the opposition which had been manifested by the right rev. Prelate. He believed that the Bill, if it passed, would give great satisfaction to the Catholic body both in this country and Ireland; and he was sure that the measure would be attended with none of those evils which the right rev. Prelate anticipated. It appeared to him, that the reasons assigned by the right rev. Prelate for opposing this measure were most extraordinary. If a measure was to be opposed and rejected in that House because it was brought forward in July, it would have the effect of almost entirely putting a stop to public business. It should be remembered that Parliament sat in February, and until July hardly any Bills were sent up to that House. Every Bill might be opposed on this ground, and there would be an end of all legislation. The right rev. Prelate also objected to the Bill on the ground that his brethren were out of town. He was aware, that in the early part of the Session they were absent, necessarily attending their visitations, but there was nothing of the kind now, and it was their duty, as much as that of any other noble Lords, to attend in that House.

The Bishop of *London* observed, that his right rev. brethren were absent attending to more important duties than being in that House. He should press his opposition to the Motion.

The *Lord Chancellor* thought that it was absolutely necessary for his own justification, that the Bill, as amended, should be committed, for the purpose of being reprinted. The right rev. Prelate would then, at a subsequent period, have every opportunity of moving that it be committed this day six months.

The Bishop of *London* said, that after what had fallen from the noble and learned Lord, he would not then persist in his opposition.

On question, That "now" stand part of the Motion? *resolved* in the *affirmative*.

House in Committee.

CHAPELS AND MEETING HOUSES REGISTRATION, &C. BILL.] Order of the Day for the Second Reading read:

Lord *Teynham* rose to move the Second Reading. The object of the measure was to carry out to a still greater extent a principle that had been already recognised by the Legislature. Their Lordships would be aware that as the law now stood, every House or building used for the purposes of public worship was required to be registered, and a certificate of such registration obtained, before any minister could preach, or any number of persons over twenty (exclusive of the proprietor of such house or building, and his servants) assemble therein for religious worship. This exception had been made, in order that family worship in private houses should not be interfered with. Now his object was in the first place to increase the number who might be allowed to join together in the worship of God, without registration, from twenty to forty, and also to allow the building to be used antecedent—for what period it would be for their Lordships to determine, but he should propose three months—to registration. The Legislature had already recognised the principle of extending the numbers who should be allowed to assemble for religious worship by the 52 George III., which had been brought into the other House by Lord Castlereagh, and supported by Mr. Vansittart, at that time Chancellor of the Exchequer, and the object of which was to extend the number from five, the original limit, to twenty. The Bill also gave a power to the magistrates to reduce the minimum penalty to be imposed upon persons infringing the Act from 20*s*. to 1*s*. It was surely a most absurd law which, by imposing a penalty in every case where more than twenty persons were assembled in an unregistered house, placed any visitor over the number of twenty in any private dwelling-house in the dilemma of either infringing the law or neglecting his duty to his Divine Master. If their Lordships should consent to give the Bill a second reading, he should then propose to go into Committee *pro formâ*, for the purpose of inserting certain Amendments.

The *Lord Chancellor* wished to direct their Lordships' attention to what was the existing law on the subject, and what were the reasons for that law. As the law now stood, no meeting for religious purposes was permitted, in any dwelling-house or other building, of more than twenty persons, in addition to the family and servants of the proprietor of such house or building, unless the same were duly registered as a place for religious worship. The noble Lord who had brought forward this Bill did not object to the certificate of registration, he allowed that to remain. Now, what was the reason for the law as it stood? The Members of the family and the servants in any dwelling-house might, under the former law, assemble for religious purposes, without any certificate; but then it was considered that persons might be in a private house as visitors, or accidentally present, and that, therefore, a margin should be allowed, which margin in the first instance had been limited to five persons. A few years ago an alteration was made in this respect, and on this ground, that five was too small a number, for that in many instances more than five or six or eight visitors, or other persons accidentally present, might be in a dwelling-house and desirous of joining in religious worship, and therefore it was proposed that the limit should be extended to twenty. The Legislature consented to that alteration on the principle that a still greater margin must be allowed in order that visitors or persons accidentally present in any dwelling-house, and joining in religious worship, should not be considered as infringing the law. He (the Lord Chancellor) considered the margin then adopted, viz. twenty, was sufficient, and that there was no ground whatever for extending it. But, then, asked, the noble Lord, if one more than twenty persons should be present, was that one to withdraw, to avoid being subject to the penalry for infringing the law? No, for he would not be liable to any penalty. It was the party to whom the house belonged who was liable, and he could protect himself by preventing a greater number than the twenty allowed by the Act, in addition to his own family and servants, from being present. Then the noble Lord had said, why should not persons be allowed to assemble in any building for the purposes of religious worship, antecedent to the certificate, and he proposed that any building might be used as a place of worship three months before the certificate; but if the building was intended to be used as a place of worship, what hardship was there in requiring that it should be certified at once? He thought the noble Lord had shown no grounds for the alteration he proposed.

The Bishop of *Gloucester* had not expected, at that late period of the Session, that such a measure as the present would have been pressed on the attention of the House, and without consultation with those who were the guardians of the Church. The noble Lord had said that it was hard persons should be placed in the dilemma of being compelled to violate either the law or their consciences; but he (the Bishop of Gloucester) knew of no law that placed persons in this country in such a position. The principles of religious toleration existed in this country in a peculiar degree; and acting upon those principles, if any real case of hardship could be shown as pressing upon any class of Dissenters from the Established Church, he for one should be ready to assist in their removal; but the noble and learned Lord on the Woolsack had, he thought, satisfactorily proved that there was no such case of hardship in the present instance, and that the law as it stood was a most liberal extension of the principle of private worship. He should move as an Amendment that the Bill be read a second time that day three months.

Lord *Teynham* contended that at present the law of the land and the law of God were at variance, and that in consequence the law of the land was often necessarily, and he would say rightly infringed.

After a few words from the Bishop of Gloucester.

[Amendment moved, to leave out "now" and insert "this Day three Months."]

On Question that the word "now" stand part of the Motion? Resolved in the *Negative* and Bill to be read a second time this day three months.

Their Lordships adjourned at eleven o'clock.

HOUSE OF COMMONS,

Monday, July 22, 1844.

MINUTES.] BILLS. *Public.*—1°. Three-and-a-Half per Cents. Dissentients; Fisheries (Ireland); Transfer of Licenses (Post Horses, Ireland).
2°. Ecclesiastical Jurisdictions.
Reported.—Church Endowment.
3°. and passed:—Joint Stock Companies Remedies at Law and in Equity; Metropolitan Buildings; Municipal Corporations; Land Tax Commissioners Names.
Private.—1°. Harris's Estate; Passingham's Estate; Wilson's Estate; Bishop of London's Estate; Gape's Estate.
2°. Ladbroke's Estate.
3°. and passed:—Ayr Bridge (No. 2).

PETITIONS PRESENTED. By several hon. Members, from Sussex (3), against Repeal of Corn Laws.—By Mr. Hawes, from Merchants, for Alteration in mode of Levying Timber Duties.—By Captain Jones, from Medical Practitioners of Londonderry, and Antrim, against Coroners (Ireland) Bill.—By Mr. M. Gibson, from S. Gordon, for consideration of his case.—By Captain Jones, from Londonderry, against Extending the Joint Stock Companies Bill to Ireland.—By Mr. Acland, from Wellington Union, against Poor Law Amendment Bill.—By Colonel Fox, from G. J. Guthrie, against confirming Charter of the Royal College of Surgeons.—By Colonel Wood from Brecon, and Boughrood Bridge, for Alteration of Turnpike Trusts (South Wales) Bill.

CAPTAIN WARNER'S INVENTION.] Captain *Pechell*, hearing that a very extraordinary experiment had been made on Saturday off the town of Brighton, and that Captain Warner had succeeded in utterly destroying the merchant vessel experimented upon, wished to know whether the experiment had been made at the expense of Government, and with its sanction, or whether they had received any official report upon the result?

Sir *R. Peel* had not seen any account of the matter except that given in the public journals. The experiment had not been made at the expense or in consequence of communication with Government. It was true that Government had been in communication with Captain Warner upon the subject, and had proposed to allot a certain sum for the purpose of making the experiment, under the direction of certain officers to be appointed by Government. Captain Warner declined this offer upon the grounds of the insufficiency of the sum proposed. The vessel upon which the experiment of Saturday had been tried was furnished, as he understood, by a private individual, and the experiment made at his expense.

Captain *Pechell*: Then Government has received no official report?

Sir *R. Peel*: None whatever.

Captain *Plumridge* seeing the noble Lord, the Member for South Staffordshire, in his place, begged to ask him if he had any objection to state what his opinion as a naval officer was with respect to the recent experiment tried by Captain Warner off the coast at Brighton?

The *Speaker* interposed, and reminded the hon. and gallant Member, that the noble Lord, not holding any official position in Her Majesty's Government, was not called upon to answer any question of the nature put to him, unless it pleased him to do so.

Lord *Ingestre* said, he had no manner of doubt that it was notorious to the hon. and gallant Member, as it was to the whole House, that an experiment had been tried, on Saturday last, upon a large ship, which had been shattered and sunk by the force of certain projectiles, the invention of Captain Warner. He was not at liberty to disclose either the materials by which the destruction was effected, nor the manner in which it was done; but perhaps it would afford some pleasure and satisfaction to the public if he read a document to the House which had been drawn up entirely with reference to the subject. The noble Lord then read the following certificate:—

"We, the undersigned, hereby certify that the operations against the John O'Gaunt, of 300 tons, conducted by Captain Warner, off Brighton, on Saturday the 20th instant, were under our management and control. We further certify that the explosion did not take place from any combustible matter either on board or alongside the ship, but was caused by Captain Warner, who was on board the *William Wallace* steamer, having the ship in tow at a distance of about 300 yards, and that the explosion took place in consequence of a signal made by us from the shore, the time of which was not previously known by Captain Warner.

"We further declare our belief that Captain Warner has never been on board the ship since she left Gravesend.

"INGESTRE, Captain, R. N., C. B.
"T. DICKENSON, Captain, R. N.
"W. H. HENDERSON, Captain, R. N., C. B."

The insertion of his own humble name might excite some ridicule; but that of Captain Henderson would at once excite respect, and he had that gallant Officer's authority for stating that his opinion entirely coincided with that which he (Lord Ingestre) had formed relative to this matter, and when the time came for further communications respecting this most important invention, he was perfectly ready to come forward and take such steps as might be necessary.

JOINT STOCK BANKS.] On the Motion that the Speaker do leave the Chair for the House to go into Committee on Joint Stock Banks Regulation Bill,

Sir *William Clay* said, that as an Amendment on the Motion that the Speaker should leave the Chair, he should move, that "it is expedient that facilities should be given for the formation of Joint Stock Banks, with limited liability of the shareholders." He was induced to take this course as a more convenient mode of accomplishing the object at which he had aimed, by the Motions in Committee on the Bill now before them, of which he had given notice, viz., the taking the opinion of the House on the question whether limited or unlimited liability of the partners were the best principle on which to constitute Banks. It had appeared to him on reflection that the Motion he proposed was a more intelligible form of raising that issue than a mere proposal to omit from the Bill the Clause imposing unlimited liability. That omission, moreover, would not leave the Bill in a form well adapted to carry into practical effect the principles he advocated. Were the House to concur with him in opinion, it would be necessary to remodel the Bill. It was quite unnecessary to enlarge on the importance of having sound and well constituted banks, banks so constituted as to afford ground for anticipating that they would conduct their business with prudence, and that their operations would not be of a kind to create danger or inconvenience to themselves or the public. Without entering on the disputed question of how far banking deposits, and the cheques by which they were transferred from hand to hand were to be considered as paper money, it would be admitted on all hands that the functions discharged by banks, apart even from issuing notes, were a most important part of our monetary system, and that the security, so far as such security could be obtained by law, that those functions should be adequately and safely discharged, was an object only inferior in importance to the regulation of the currency itself. The suspension of payment by a bank in large business was an occurrence always deeply to be deplored, from the widely-spread inconvenience and suffering it created; and under certain circumstances, and at particular periods, it might even be considered as a national calamity. In the case of the Northern and Central Bank of Manchester, which failed at the latter end of the year 1836, a period, it would be recollected, of much commercial pressure, so great was the alarm created by the prospect of its suspension of payments, and so strong were the reasons for thinking that its stoppage would be the commencement of a series of failures throughout the manufacturing districts, of which it was impossible to foresee the extent or conclusion, that the Bank of England, justifiably, perhaps, under all the circumstances, though contrary to sound principle, was compelled to interfere, to avert the calamities which all felt to be impending. Nor would it have afforded any sensible alleviation of the wide-spread misery and ruin which the non-payment at that time of the obligations of the Northern and Central Bank would have produced, that ultimately and after the lapse of years, their obligations should be paid in full. That a failing bank should eventually pay 20*s*. in the pound, was but a small compensation to its creditors, and none whatever to the public. No man has his whole fortune —never, perhaps, any very considerable portion of it—in the hands of his banker; but it is precisely that portion of his means which he has prepared to meet immediate demands, and the abstraction of which he can accordingly worst bear. To a person not in trade, the failure of his banker is an inconvenience; to the tradesman or merchant, whom it compels to dishonour his acceptances, it is loss of credit, bankruptcy, perhaps. To such a person what compensation was it that the bank, the failure of which has ruined him, pays at last 20*s*. in the pound, not to himself, but to his assignees? To the community at large, it is, of course, absolutely immaterial whether the creditors of a failing bank be or be not paid in full—all that the public have an interest in, is to avert that derangement of the monetary system, and that paralysis of commercial credit and enterprise, which the stoppage of banks is sure to create. The object of a wise legislation on this matter should therefore be, not so much ultimate, as immediate solvency—not so much to ensure that after suspending their payments banks should pay 20*s*. in the pound, as to take the best precautions against their suspending them at all. Now did the Bill before the House embody such precautions? Was it founded on the principle most likely, in its working, to create sound banks? He (Sir W. Clay) did not think so; on the contrary, he believed it retained a principle which had distinctly the tendency to produce unsound banking, and to tend to the suspension of payment of banks constituted on that principle. The Bill proceeded on the principle of unlimited liability of the partners of a bank; it was supposed, of course, that this would produce caution in the management of the concern. He (Sir W. Clay) did not know why it should be expected that this principle should produce good management in banking more than in any other trade—what reason there was *à priori* for expecting that the hope of greater gain should not tempt men to overstep the bounds of prudence equally in banking as in any other pursuit; but, at any rate, all experience was against the presumption. The ruin that had swept at various periods over the banking system of the country, in the half century previous to 1825 was notorious, and at last the failures of that year and the following induced the Legislature to attempt the application of a remedy. It was supposed that the unsoundness of our banking system arose from our only having private banks—banks with a limited number of partners. The Act of the 7th George IV., therefore was passed in 1826, permitting the establishment of joint-stock banks. What had been the result of the experiment? Why, that it had wholly failed in producing sound and safe banking. A suspicion that it had done so, induced him to move, in 1836, for the appointment of a Committee of Inquiry into the proceedings of joint-stock banks; and the evidence given before that Committee, which sat for three Sessions, as well as events which had since occurred, and were sufficiently notorious, showed, beyond the possibility of doubt, that there had been a recklessness of mismanagement, and a consequent injury to the public by joint-stock banks, to which private banking, in its very worst periods, probably afforded no parallel. They had, therefore, the amplest experience of the working in every shape of the principle of unlimited responsibility, and it was found to be inefficacious. If the feeling of cupidity, the desire of gain, was less strongly felt among the partners of a joint-stock than of a private bank, the sense of responsibility, by being more diffused, was also weaker, and the opportunities of mismanagement were greater. The credit which could be obtained by a joint-stock bank, and the consequent temptation to improvidence, were incomparably greater than in the case of a private bank. But that credit was utterly spurious, and dangerous to the community, because it was commensurate not with assets which were, but with assets which were not available. Nothing could be more false in principle, nothing more dangerous to the community, than that five hundred or a thousand persons, whose legitimate means of obtaining credit were separately, perhaps, taxed to the utmost, should, by joining together, obtain a fresh credit grounded on their possessions—possessions such as lands or houses, for instance, not convertible at need into money. This was the principle on which the Ayrshire bank, animadverted on by Adam Smith, was founded, and which led to its failure—this was really the principle on which Law's famous scheme for issuing a paper currency, grounded on the responsibility of all the land of France was based. This principle would never enable a bank in moments of difficulty to meet its engagements; but there could be no doubt, unhappily, that it enabled it to obtain credit. Theoretically, it was certain that it would be so; but the fact was equally shown by experience. The Northern and Central Bank obtained a loan of 150,000*l.* from a London bank, a wealthy and well-conducted Joint-Stock Bank. The very able manager of that Bank admitted to the Joint-Stock Banks Committee that the money was lent, not on any investigation of the affairs of the Northern and Central Bank, but on the credit of the known property of some of its members. Now there could be no doubt that it would have been far better if the Northern and Central Bank had not obtained that assistance. They were already in difficulties; their really available means were exhausted; every step they took afterwards added to the danger to which the public were exposed and to the losses of their own proprietors. So utterly vain was it to expect that the unlimited responsibility of partners should constitute any resource in times of emergency, that not one single instance could be cited where a bank in difficulties had succeeded in raising money from its proprietors. The Northern and Central Bank had a proprietary said to be worth in the aggregate 10,000,000*l.*; the managers were asked why, in the time of their utmost need, they did not make a call on their proprietors. They said, from their conviction of its utter inutility. But the Bill before them, it might be said, provided for the paying up a large proportion of the nominal capital: that was a good provision, but it was not enough; the Northern and Central had a paid up capital of 800,000*l.* There was but one real security—by limiting the responsibility of the shareholders of banks—by rendering those establishments real corporations—by making it clear that those who dealt with them could have no security but the amount of their paid up capital, and the prudence with which their business was conducted—to sharpen the vigilance of the public, and to put a stop to that spurious credit grounded on the private fortunes of the shareholders—credit commensurate, as he had said, not with assets which were, but assets that were not, available at need; credit, therefore, alike dangerous to the public and to the banks themselves. The experience of this country was not only against the presumption of security being derived from unlimited liability, it was also in favour of banks of limited liability—not to mention the banks of England and Ireland, there were the banks of Scotland. Among the banks of unlimited liability in that part of the kingdom, though all Joint Stock, there had been failures; the then chartered banks of Scotland, as they were the oldest, had also stood highest in reputation. There was only one other consideration which it seemed to him important to state to the House, it was the tendency of unlimited liability to lower the character of the proprietary body of a bank, and thus to lessen the chances of good management. He was far from saying that there were not highly respectable persons members of joint stock banks, but it was clear that such must be the tendency. When a man's whole fortune was to be liable for the engagements of a bank, and not only his own, but of those who succeeded him, it was quite certain that prudent men would hesitate before they exposed themselves for the sake of one or two per cent. additional on a thousand or two thousand pounds, to the remotest probability of a risk so terrible. And it was precisely the persons the most desirable for the partners of such institutions whom they excluded. Exactly in proportion as a person was wealthy, was conversant in affairs, was well known in any particular neighbourhood, would he feel reluctant to become a partner in a joint stock bank, from the full conviction that he would be the first person, in case of misfortune, selected for attack by creditors. In one respect the Bill now before them did, by its very merits, enhance this inconvenience by facilitating and expediting the recourse of creditors against individual shareholders. There were before legal difficulties and delays in the way of recovering from any shareholder a debt due from a bank. Now there would be none, and a man holding a few shares in a joint stock bank might have his whole property taken at once in execution, in discharge of its debts, and himself left to seek reimbursement from his brother shareholders, many of whom might have taken care to get out of his reach. He might add, that what he now proposed was substantially the same as Lord Althorp had intended to propose, as part of his plan in 1833, on renewing the Bank Charter. He had intended to give Charters of limited liability to banks not issuing their own notes. But finding, as he says in his correspondence with the Bank of England, "the opposition of the country bankers too strong for him on the question of limited liability," he did not persevere in his proposition. It was scarcely a want of charity to suppose that it was not the fear that limited liability would produce bad and weak banks, that prompted the opposition experienced by Lord Althorp; but rather the consciousness that the application of that principl would create banks of the highest character, and, therefore, the most formidable rivals to those already existing. The right hon. Gentleman, more fortunate than Lord Althorp, would not need to couple the privilege of limited liability with the obligation not to issue notes: for by the sound and salutary measure he had already carried, the currency was placed under regulations which prevented the power of issuing notes from becoming dangerous to the public; and he might, therefore, encounter less opposition than had been arrayed in this matter against the noble Lord. With these observations he should commit his Motion to the House. Of course, if the right hon Gentleman were opposed to him, he could not hope to succeed; but, impressed as he was with the great importance of the subject, and with the conviction that they must ultimately adopt the principle he advocated, he should have felt himself wanting in his duty, if he had not given the House an opportunity of expressing an opinion on the question.

Sir *Robert Peel* opposed the Motion, Limited responsibility would be apt to make persons of influence and property who became shareholders in banks comparatively careless about the management of the establishments, as their chance of loss in consequence of mismanagement would be limited to the probable trifling amount of shares held by them. He did not see why banks should be exempt from the general principles of the law as to co-partnery, which was, that when all equally shared the profit, all should share the loss. All authority was against the hon. Baronet. The evidence of practical bankers taken before Committees of the House went clearly against the principle proposed by the hon. Baronet. The new regulations to be established as security against abuse would diminish any fear upon the part of persons of property of the application of unlimited liability, while the security to be given to the public, as to the solvency of banks, would be increased.

Mr. *Hawes* supported the Amendment. Its principle was not condemned by all authority, as the right hon. Baronet had stated. He hoped that the question would be hereafter raised. He contended that the unlimited liability of the directors of a bank was a sufficient security, without subjecting the shareholders to the same principle.

Mr. *Morison* supported the Government proposition. In America the banks, after having tried the system of limited, were establishing the system of unlimited liability. In this country it had not been found necessary to insist upon limited liability. He contended that it would be highly impolitic to introduce it. However, the banking system here was in many respects unsatisfactory, and must sooner or later be changed.

Mr. *P. Stewart* doubted if any gentleman connected with banking would be found to support the Amendment of the hon. Baronet. The proposition was a hobby of his hon. Friend, but he hoped that having delivered his speech he would withdraw it.

Mr. *Turner* thought the system of limited liability would not be tolerated in the country for a moment.

Amendment negatived.

House in Committee.

Clause 1 agreed to.

House resumed. Committtee to sit again.

Railways.] On the Motion for going into Committee on the Railways Bill,

Mr. *Morison* thought that it would have been better, both for the public and railway proprietors, had Government some years ago taken some such measures as that which they proposed now. Government, however, then appeared to be averse to any such interference; and now, if the present Bill passed, as no doubt it would, the only way in which the public could be benefitted would be by competition, which would be of serious injury to the old established lines. A general tariff of fares might have been early established, and would have been found extremely beneficial to the public. As to the proposed interference with third class passengers, he thought that if some change had not been provided by the Bill, public opinion would soon have necessitated it. He thought that second class carriages had been too much neglected, and that the persons who travelled in them were too much exposed. Another grievance was the partiality of railway directors towards some carriers in preference to others. Railways ought to be compelled to publish the rate of carriage for goods as well as the fare for passengers. As to the liability of railroads to pay for lost goods, he thought that as they loaded, surrounded by their own servants and their own police, that they should be subjected to a greater amount of liability than were coach or waggon proprietors, who were more exposed to depredations upon their journeys. He hoped that great improvements would shortly take place in the construction of railroads. He had great faith in the atmospheric principle superseding locomotives. He could not thoroughly approve of the Government measure, although he quite acknowledged the excellence of its intention.

House in Committee.

On Clause 1,

Mr. *Gladstone* admitted that it was proper that a statement of the leading alterations made in the Bill should be laid before the House; and after he had made that statement, he would explain why it appeared to him reasonable that the measure should be at once allowed to proceed. The principal alteration which had been made he would describe as well and as shortly as he could, omitting those of minor importance. The great change in form of the Bill, which had reduced its bulk by one-half, was caused by the omission of twenty Clauses, which consisted of the executory provisions and provisions of detail, laying down the manner in which the option of revision and purchase should be exercised. He confessed that when these Clauses were inserted in the Bill, they had been inserted, as they thought, to give satisfaction to the railway proprietors. However, a body of Gentlemen connected with railways took a different view of the matter. They represented to Government that its profession was, that the question of the policy of this option was to be altogether reserved; if so, why specify the details at present? rather show by the omission of all details, except those essential and fundamental, that the policy question was to be really not merely professedly reserved. He thought that there was much weight in these representations, and he had therefore consented at once, and without reluctance, to abandon the whole of these Clauses. He did not think that the public interest was prejudiced by that abandonment; and he might say that his reason for asking that the Bill might pass through at once, was because he did not think that the public interest had in any degree been prejudiced by any of the alterations which it had undergone. He had heard it stated that as the Bill formerly stood, the option of revision and purchase was made applicable to existing lines of railroads. He could assure hon. Gentlemen that this was not the case. The option of revision and purchase always stood as it did now in the measure, only applicable to new companies. As regarded protection to the poorer classes, the Bill was now applicable not only to future companies, but to all companies future and existing, provided only that they had been during the present, or should be in any future Session, applicants to Parliament for an extension of their powers. Indeed, the practical effect would be, that any company in the kingdom, with a very few exceptions, would be at once subject to the provisions of the Bill with respect to the accommodation of the poorer classes; and he had reason to believe that those companies which would not be compelled to come within the powers of the Bill, would, of their own accord, adopt its provisions. There was, then, in this respect, no change made in the Bill since it had been printed, with the exception of this, that lines of railway under five miles of length should not be deemed new lines under the Bill. There was one material relaxation in the terms of the option of revision and purchase. It was now provided that the right of option and purchase should not accrue until twenty-one years, instead of fifteen years, after the 1st of January, subsequently to the incorporation of the company. This was a material relaxation, but it would be recollected that the committee upon railways had strictly guarded itself against indicating positively any number of years as that after the expiration of which the option of revision and purchase should accrue. They had done so, because in their opinion it was right to avoid the great error of discouraging the application of capital to railway enterprise at home, and turning the public mind towards other modes of investment not so beneficial to British skill and industry. On that account, and considering the great risks run, and the great difficulties experienced in this mode of investment, considering the feeling created out of doors by the measure, and actuated as he was by the strongest desire to give no shock to the formation of new railroads, he thought it was a safe and wise relaxation to extend the term of accruement from fifteen to twenty-one years, and he did not imagine that any gentleman would object to the extension upon the ground of public interest. There were some other changes to which he might shortly allude. It was provided by the Bill as it stood, that if the right of revision had been once exercised, that it was not again to be called into employment for twenty-one years; and that if any company at the end of twenty-one years should be making more than 10 per cent. of profit for the last three years of that period, that instead of the railway being purchasable at a price estimated upon the amount of the then divisible profits—it should be open to the company to require that any other circumstances, such as increasing value of stock or prospects of an increased rate of traffic, should be taken into consideration, and a proper allowance made. By this arrangement railways would be purchased at their real value, whatever that might be. This stipulation was, he believed, an improvement in every respect. He had made this relaxation upon the same principle as that which had guided him in substituting twenty-one for fifteen years as the period before the accruement of the right of option, and, as he believed, in conformity with the pledges given to the House that their intention was not to go beyond the recommendations of the third Report of the Select Committee, as against railroads. That recommendation was to the effect, that railways making 10 per cent. or upwards, might be purchased by Government at a price reckoned upon their divisible profits for a certain number of years, but they did not advise that twenty-five years should be the maximum of that period. He considered that in the alterations made, therefore, he was returning to, rather than departing from, the intentions of the Committee. There was another relaxation deemed essential by Railway Directors, and not as he thought prejudicial to the public, which he had granted. It was this, that if there were a branch line liable to the option of revision and purchase, connected with a main line which was not liable to this option, and if the Legislature should think fit to purchase the branch line, it should be in the power of the company holding the main line to insist that the Government should take it upon similar terms as those upon which they purchased the branch line. This was an equitable provision, and he had no difficulty in acceding to it, the more so as it would not lead, in any respect, to public injury. The Bill now stood on the footing on which it was endeavoured to place it on the second reading. So far as respected the clauses of option, the Bill might be termed an act for reserving the discretion of the Legislature. That was its *bonâ fide* intention. There was no intention of Government becoming the manager of railways, that it should interfere and purchase one railway to run down another. There was one other alteration, important in itself, but innocent in its effects towards the public, to which he might allude. Words had been introduced by way of preamble, declaring that which had been enounced in debate—that the policy of interposition upon the part of the State was not to be prejudged by the Bill itself. He had acceded to this because it was right that there should be an indication of the views and intention of the Legislature embodied in the Bill. With respect to any useful practice, he looked upon the Bill as exactly corresponding to what it was before the second reading. He did hope that it might be the view of the Committee and of the House that the Bill should be speedily passed through its remaining stages.

Mr. *Ward* thought that the Bill had been much improved by the alterations made. It should have his support.

Mr. *Hawes* expressed his satisfaction with the explanation of the right hon. Gentleman. He believed that the measure would practically affect all railroads.

Mr. *Vernon Smith* said, that after the statements made by the right hon. Gentleman the President of the Board of Trade he had no objection to the Bill going through Committee. He supported the option of purchase, as the only mode by which railways could be kept in check and abuses prevented. He thought that the interests of the poorer classes had been very much neglected by railway proprietors, and that some provision for their protection was absolutely necessary.

Clause agreed to.

On clause 6, "Companies to provide on every week day a train for third-class passengers."

Mr. *Thornely* suggested an alteration which would make the provisions of the Clause imperative on Sundays as well as week days.

Mr. *Gladstone* stated that he would not be a party to compelling a company to run certain trains upon Sundays.

Mr. *Warburton* said, that it was only contended that if first and second classes should be run on a Sunday, that third-class carriages ought to be run under the same restrictions.

Mr. *Thornely* would then move an Amendment requiring that third-class trains should be run upon all days when first and second-class trains were run.

Mr. *V. Smith* supported the Amendment. If the rich man could travel on a Sunday, why should not the poor man also?

Mr. *Gladstone* said, that if the hon. Gentleman would persist in his Amendment, he would move that the Chairman report progress.

Mr. *Sheil* said, that he could not see why, if Dives was allowed to travel on a Sunday, Lazarus should be prevented.

Mr. *Denison* hoped his right hon. Friend would give way on this point. He knew that many working people travelled from one point of the country to another on Sundays, and if they were prevented from doing so, it would be depriving them of a great advantage.

The Committee divided on the question that the words "week day," stand part of the Clause:—Ayes 41; Noes 73: Majority 32.

List of the AYES.

Ashley, Lord
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Beckett, W.
Boldero, H. G.
Bowles, Adm.
Broadley, H.
Buller, Sir J. Y.
Clerk, Sir G.
Collett, W. R.
Dodd, G.
Eliot, Lord
Entwistle, W.
Fielden, W.
Fremantle, rt.hn.SirT.
Gladstone, rt.hn.W.E.
Graham, rt. hn. Sir J.
Hepburn, Sir T. B.
Hodgson, R.
Hope, hn. C.
Liddell, hon. H. T.
Lincoln, Earl of
Mackinnon, W. A.
Morgan, O.
Mundy, E. M.
Nicholl, rt. hn. J.
Norreys, Lord

Peel, rt. hn. Sir R.
Peel, J.
Russell, C.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sutton, hn. H. M.
Taylor, E.
Thesiger, Sir F.
Trench, Sir F. W.
Trevor, hon. G. R.
Trollope, Sir J.
Vernon, G. H.
Walsh, Sir J. B.

TELLERS.

Pringle, A.
Lennox, Lord A.

List of the NOES.

Adderley, C. B.
Bannerman, A.
Barnard, E. G.
Bellew, R. M.
Borthwick, P.
Brotherton, J.
Buckley, E.
Buller, C.
Chute, W. L. W.
Colebrooke, Sir T. E.
Collett, J.
Denison, J. E.
Denison, E. B.
Denistoun, J.
Dickinson, F. H.
Divett, E.
Douglas, Sir H.
Douglas, Sir C. E.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Estcourt, T. G. B.
Ewart, W.
Fitzroy, hon. H.
Forster, M.
Fox, C. R.
Gardner, J. D.
Gibson, T. M.
Gore, hon. R.
Guest, Sir J.
Hanmer, Sir J.
Hawes, B.
Heneage, E.
Howard, P. H.
Howick, Visct.
Hume, J.
Ingestre, Visct.
Kelly, F. R.
Lascelles, hon. W. S.
Macaulay, rt. hn. T. B.
McGeachy, F. A.
Manners, Lord C. S.
Manners, Lord J.
Masterman, J.
Milnes, R. M.
Mitcalfe, H.
Morrison, J.
Muntz, G. F.
Napier, Sir C.
Norreys, Sir D. J.
O'Brien, A. S.
O'Connell, M. J.
O' Ferrall, R. M.
Ogle, S. C. H.
Pattison, J.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Polhill, F.
Protheroe, E.
Ross, D. R.
Russell, Lord J.
Scott, R.
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smith, rt. hon. R. V.
Standish, C.
Strutt, E.
Thornhill, G.
Towneley, J.
Troubridge, Sir E. T.
Vivian, J. H.
Wawn, J. T.

TELLERS.

Warburton, H.
Thornely, T.

Words "days on which passengers are conveyed," inserted. Clause agreed to.

House resumed.

Bill reported and ordered to be read a third time.

THE CONVICT DALMAS.] Captain *Polhill* begged to ask the right hon. Baronet the Home Secretary whether there was any foundation for the reports contained in the public papers relative to the commutation of the sentence on Dalmas, and also whether he had any objection to lay upon the Table of the House, the certificates and reports of the medical men who had visited Dalmas in prison by order of the Government.

Sir *J. Graham* said, that he was not aware of the purport of the Reports to which the hon. and gallant Member alluded; he had no objection to say generally that he had advised Her Majesty to reprieve Dalmas, but he should most certainly object to lay upon the Table of that House any information by which he was guided in tendering that advice.

FRANCE AND MOROCCO.] Mr. *Sheil:* On Saturday, I informed the right hon. Baronet at the head of Her Majesty's Government, that instead of moving for a Committee to inquire how far our commercial interests were involved in the events which are passing in the Barbary States, I shall content myself with moving for papers, of which I have since given him notice. My first impression was, that the extent to which the trade of this country has been affected by the heavy imposts which have been recently laid upon the tonnage of British vessels, and the products of British industry in all the ports upon the coast of the Mediterranean, of which France has made herself the mistress, required a minute investigation; and that the effects of the ordinance, which issued on the 16th of December last, doubling the duties on English shipping, and of the augmentation of duties upon our cottons to 30 per cent., would best be proved by the evidence, oral and documentary, which could be produced before a Committee of this House; but I have heard objections raised to the form of the Motion, of which I had given an intimation, and in order that a debate on the mere form should be avoided, by which the attention of the House would be in all likelihood distracted from the consideration of more momentous matter, I have thought it more advisable to move that the copies of certain documents should be laid on the Table of the House, in which much of the information which I seek to obtain may be disclosed. There is another motive for the adoption of this course. It is that which is least calculated to give offence to a gallant, but exceedingly susceptible people. It is not my intention (and I shall prove that it is not by the tone with which I shall treat this important subject) to say anything by which a debate, at which France could legitimately take offence, will be produced. Nothing shall fall from me, by which a pretence shall be afforded for imputing to me the more than reprehensible purpose of exciting a sentiment of animosity between two great nations, both of which are deeply concerned in the maintenance of peace, and whose collision would disturb the world. But while I am fully convinced of the importance of preserving our pacific relations with a country, whose institutions are so nobly assimilated to our own, I am also convinced that with a perfect absence from all irritating language, a candid statement of facts can be readily reconciled; and I think that if circumstances have occurred, or are likely to occur, by which the commercial interests of England may be seriously affected, nothing will be gained by concealing the truth, or by turning our eyes away from those objects which must sooner or later be forced upon our contemplation. On the 5th of March, 1830—I pass at once at the hazard of abruptness, which is more excuseable than prolixity, to the facts to which I mean to advert—in 1830, on the 5th of March, Lord Aberdeen wrote a despatch to an ambassador at Paris, Lord Stuart de Rothesay, with regard to the great armament which France had prepared for the invasion of Algiers. That despatch contains views the most just, expressed in a most prudential and conciliatory spirit; indeed, the entire of the official correspondence of Lord Aberdeen in 1830 is remarkable for a most striking contrast between the soundness of his judgment and a certain infirmity of purpose, owing to which he omitted to obtain from France the assurances, of the necessity of which he appears to have been himself most fully convinced. Lord Aberdeen appears to have been perfectly aware that it was of the utmost consequence to get from the French Government a pledge that the occupation of Algiers should not be permanent, and to have felt that our commercial and maritime, and therefore our political interests, were deeply at stake, in the events to which the French expedition would give rise. The whole correspondence is a curious specimen of diplomacy, in which, upon one hand, a plain Englishman asks that a pledge should be given in plain language, and, on the other hand, a French Minister, polished and well lubricated escapes in sinuous diplomacy from his grasp. Those portions of the correspondence which are illustrative of the present position of affairs I shall select, taking care not to read anything which is not appropriate and interesting. On the 5th of March, 1830, Lord Aberdeen writes—

"My Lord,—The extensive scale of the preparations for the expedition against Algiers, and the declaration in the speech of his most Christian Majesty upon this subject, have naturally engaged the attention of His Majesty's Government. Your Excellency is already aware of the sincere desire which His Majesty entertains that the injuries and affronts which have been endured by the King of France from the Regency of Algiers may be duly avenged, and that His Most Christian Majesty may exact the most signal reparation from this barbarous state; but the formidable force about to be embarked, and the intimation in the speech to which I have alluded, appear to indicate an intention of effecting the entire destruction of the Regency, rather than the infliction of chastisement. This probable change in the condition of a territory so important, from its geographical position, cannot be regarded by His Majesty's Government without much interest, and it renders some explanation of the intentions of the French Government still more desirable. I have communicated these sentiments to the Duke de Laval, and have received from his Excellency the most positive assurances of the entirely disinterested views of the Cabinet of the Tuileries in the future disposal of the state of Algiers. Notwithstanding his Excellency has promised to write to his Government in order to obtain the means of making an official communication, I have thought it right to instruct you to bring the subject under the notice of M. de Polignac. It is probable that the French Minister may be desirous of affording all the explanation we can desire. The intimate union and concert existing between the two countries give us reason to expect that we shall receive the full confidence of the French Government in a matter touching the interests of both, and which in its results may be productive of the most important effects upon the commercial and relations of the Mediterranean States."

Prince Polignac, to whom the contents of this despatch were communicated on the 12th March, 1830, wrote to the Duke de Laval a long despatch, in which he says nothing bordering upon an understanding beyond this statement:—

"The King, whose views on this grave question are quite disinterested, will consult with his allies, in order to determine what should be the new order of things."

Lord Aberdeen saw at once that this communication was most indefinite, and was not in the least binding, and on the 23rd of March, 1830, he wrote,

"Whatever may be the means which shall

be found necessary to secure the objects of the expedition, the French Government ought, at least to have no difficulty in renouncing all views of territorial possession or aggrandizement........Monsieur de Polignac is doubtless aware of the great importance of the Barbary States, and of the degree of influence which, in the hands of a more enlightened Government, they could not fail to exercise over the commerce and maritime interests of the Mediterranean powers."

Lord Stuart de Rothesay made several efforts to obtain a positive assurance, but failed. On the 21st of April, 1830, Lord Aberdeen writes as follows:—

> "Is it unreasonable to expect from the French Government something more than a general assurance of disinterestedness, and an engagement to consult their allies, before the future fate of the regency shall be finally decided? A French army, the most numerous, it is believed, that has ever crossed the sea, is to undertake the conquest of a territory which, from its geographical position, has always been considered of the highest importance; no man can look without anxiety at the issue of an enterprise, the ultimate objects of which are so uncertain and so undefined.... If we could so far forget what is due to our Sovereign and to ourselves as to rest satisfied with vague explanations, in a matter so deeply affecting the interests of British commerce, as well as the political relations of the Mediterranean States, it is certain that the people of this country would not hesitate to pronounce the most unequivocal condemnation of our conduct."

How applicable are these observations to what is passing at this moment on the coast of Africa, and on the frontier of Morocco, and how justified is a Member of the British Parliament in the expression of a hope that Lord Aberdeen has been more successful, in 1844, in extracting an engagement from M. Guizot, than he was in 1830 in eliciting it from the unfortunate statesman who succeeded in baffling him, and from whom no written engagement could be procured. Two months were passed in correspondence, yet nothing was attained in the form of a distinct stipulation. On the 4th of May, 1830, Lord Aberdeen wrote to Lord Stuart de Rothesay:—

> "Monsieur de Polignac expresses a hope that our expectations may not be so unreasonable, as to urge him to declarations which must prove injurious to the Government of His Most Christian Majesty. If the projects of the French cabinet be as pure and disinterested as is asserted by Monsieur de Polignac, he can have no real difficulty in giving us the most entire satisfaction. A concise and simple declaration could not answer the purpose better, but it would appear to be more natural than the course which your Excellency states that the French Minister has been commanded by His Most Christian Majesty to adopt, to envelope in such reasoning, and to mingle considerations of national dignity and punctilio, with the statement of intentions such as I have mentioned, appears less calculated to produce conviction, and to convey the impression of sincerity and frankness."

Lord Stuart de Rothesay, of course communicated these well-founded complaints to the French Ministry; but the latter, instead of writing a plain promise, such as Lord Aberdeen asked on the 12th of May, 1830, wrote to the Duke de Laval what I perused with some amusement as a specimen of evasions, which it required some disrespect for Lord Aberdeen to have attempted. He says that the fleet was about to sail, and adds,

> "His Majesty from that moment, namely, the conquest of Algiers, ought to give an assurance to his allies, that he will present himself to those deliberations, ready to furnish all explanations which they might still desire, disposed to take into consideration all rights and all interests,"

and so on. After this dispatch had been written, a remarkable incident occurred. The Sultan had directed Tahir Pacha to proceed to Algiers, in order to adjust the differences with France. The French squadron would not permit Tahir Pacha to land, and he was forced to go to Toulon, where he was detained. Lord Stuart de Rothesay writes—

> "At Toulon he will be without doubt detained in quarantine, and if he intends coming to Paris he may possibly not reach Algiers till long after it shall be too late to take part in the negotiations which are likely to follow the capture of the place."

Algiers was taken on the 5th of July, 1830. The French General told the French that the stars mingled with the lights which they had kindled on the brow of Mount Atlas, and on the 16th of July, Lord Stuart de Rothesay wrote to Lord Aberdeen that he had waited on Prince Polignac to congratulate him, in the conviction that he would keep faith with his court. His Excellency answered, "by declaring his readiness to repeat his former assurances," and in a few days after, he was a prisoner in Ham; Charles the Tenth, who could not learn anything even from the misfortunes of the Comte d'Artois, was driven from his dominions and from his country, and from the barricades. There arose a throne, which the Duke of Wellington and Lord Aberdeen hastened to recognise as the legitimate result of the national will. But is it not wonderful that the new Government was recognised by England, without any sort of stipulation in reference to Algiers? Lord Aberdeen had not obtained any specific engagement from Prince Polignac. He acknowledged himself, he was fully aware of the vast importance of the results which must follow the permanent occupation of Algiers and her three provinces by France, and yet it does not appear that when Louis Phillipe was recognised by the Tory Government, they made a single observation in reference to Algiers. The Tory Government remained in office for four months after the French had taken possession of Algiers, and after they had pushed their acquisitions into the adjoining territory, and yet Lord Aberdeen had no observation to make. The Whigs, finding the French army in possession of Algiers, and not being able to refer to any engagement, took no steps one way or other, and stood passively by. I pass from 1830 to 1841, avoiding any detail of the means pursued by the French to secure their conquest, and thinking it unnecessary to say anything upon the expedients by which civilization had been extended, and Christianity has been diffused, by those peculiar propagators of the faith. In 1841, Lord Aberdeen had been scarce a few weeks in office, when the Count de St. Aulaire engaged him in a conversation upon Algiers, to which Lord Aberdeen attached no importance, but which the French ambassador turned very promptly to account. The King of the French introduced into his speech, made on the 15th of December, a statement that he had taken means to secure the possessions of France from all external complication, a paragraph which remained unintelligible, until M. Guizot, as a proof of the influence of France over the Tory Government, stated the conversation which had taken place with Lord Aberdeen. I read the speech of M. Guizot in the journal *Des Debats*, and I inquired from the First Lord of the Treasury whether the conversation of Lord Aberdeen had been correctly reported by the Count de St. Aulaire. The right hon. Gentleman said that the report was substantially correct, except that Lord Aberdeen denied that he had said that he had no objection to make. Lord Aberdeen himself stated the conversation was accidental, and on the 28th of January, 1842, wrote a despatch to Lord Cowley, in which he denied his having stated that he had no objection to the French retention of Algiers. This despatch was communicated to Monsieur de Guizot. Monsieur Guizot made no observations on the subject, but I cannot help thinking that the course subsequently adopted by the French Government was influenced in no small degree by the imputed declaration of Lord Aberdeen. The French Government issued an ordinance on the 16th of December, 1843, imposing a duty of four francs a ton on our shipping, and 30 per cent. on our cottons. What has been the result? I beg to call attention to the following letter, which appeared in the *Times* of July 18. It was written by their own correspondent, and is dated at Oran, July 6:—

> "The commercial system lately adopted here by the Government has completely shut out British commerce from this port. Formerly several British vessels came here, but no more now, except with coals, are expected. The port duties on all foreign vessels are four francs per ton. French vessels rarely pay anything. Sardinian vessels are favoured by Treaty, and pay only two francs per ton. English cotton manufactures, which paid last year only 15 per cent., now pay more than 30, which amounts to exclusion."

Who is there that hears these facts who will say that the subject which I have submitted to the attention of the House is one of which the consideration ought to be avoided? The fulfilment of all Lord Aberdeen's propositions in 1830 is found in the fiscal exclusion of English manufactures. A blow has been aimed, not at the honour of England, but at her industry; and those who laugh all the idealism of national dignity to scorn, the utilitarians of politics must, in this prohibition, find a cause, not only to regret the past, but to look with solicitude to the future. The proceedings adopted with reference to Morocco cannot, in a commercial view, be regarded with indifference. They have commenced, like the expedition to Algiers. A squadron has proceeded to the coast, which is only divided by the distance which a cannon shot could almost traverse from Gibraltar, with 12,000 men. The French army has invaded Morocco, and

France demands not only the expulsion of the valiant Abd-el-Kader, the hero of the desert, but an indemnity and a guarantee. Morocco may soon fall under the protection of France; and if it does, the results to your commerce are obvious. Mr. Macgregor, in his recent and very admirable work on the commerce of this country, has given the statistics of our trade with Morocco. We almost monopolize the market of a country inhabited by 8,000,000 of people. Are we not entitled, under these circumstances, to ask of Lord Aberdeen what course he has followed, and to call on the Minister to lay on the Table of the House any engagement entered into by France in reference to the State with which we are allied, and which it is so much our interest to save from the domination of a Power of whose acquisitive tendencies some evidence has been afforded? To Morocco the French protective system will be beyond all doubt extended, whenever Morocco is annexed to Algiers. In this state of things it is not unnatural that we should inquire, first, what explanations have been given and demanded, and in the next place what force Her Majesty's Government have had the precaution to assemble in the Mediterranean? With regard to the first, as Lord Aberdeen appears not to have obtained any very satisfactory engagement in reference to Algiers, we ought to have proof afforded us that some stronger security for Morocco has been given; and with respect to the second, the Government are bound to show that for any emergency which may arise, they are not unprepared. What should be the amount of our naval force? It is my good fortune to be able to refer to two very high authorities, the Duke of Wellington, and the right hon. Baronet, with regard to the inexpediency of leaving England destitute of that Force on which not only her strength, but her existence, depends. In August, 1838, the Duke of Wellington declared that "his great object in speaking at all was to impress upon their Lordships and upon the Government, and upon the country the absolute necessity of having a stroug Naval Force in all parts of the world." What was our Naval Force in 1838, which the Duke considered insufficient? Ships of the line, 18; frigates, 29; sloops, 39; brigs, 39; steamers, 22. In 1839, on the 11th of March, the right hon. Gentleman, the First Lord of the Treasury, made a most remarkable speech on the Navy Estimates, in which he complained that our Government had not sent a squadron to the Coast of Mexico when St. Juan de Ulloa was attacked by the French. He reproached the Government with having omitted to assemble a great Naval Force at the point where events of signal magnitude were likely to arise. He insisted that the Whig Government had permitted the Naval Power of England to decline, and laid it down as a rule that we should have a large fleet ready for immediate employment, and for the protection of our own shores, as well as for the exhibition of our power in remoter seas. Let us see what Naval Force the right hon. Gentleman thinks sufficient, when he is in office, and when events are casting shadows before them by which the Mediterranean is darkened. Here is a tabular statement of our Force in 1841 and 1844:—

Ships in Commission on 1*st July,* 1841, *and* 1*st July,* 1844.

1st July, 1841.		1st July, 1844.	
Ships of line . .	26	Ships of Line .	9
Frigates . . .	36	Frigates . . .	32
Sloops . . .	40	Sloops . . .	31
Brigs	39	Brigs	24
Armed Steamers	22	Armed Steamers	32
Foreign Mail Steamers	14	Foreign Mail Packets	4
Foreign Mail Brigs	22	Foreign Mail Brigs	6

Let us now look to the distribution of the Force in reference to the Mediterranean in both those years:—

Distribution of Force.

Mediterranean, 1841.		Mediterranean, 1844.	
Ships of the Line	17	Ships of the Line	1
Frigates . . .	7	Frigates . . .	4
Sloops . . .	4	Sloops	3
Brigs	3	Brigs	0
Armed Steamers	9	Armed Steamers	6
Mail Packets .	4	Mail Packets .	4
Total . . .	44	Total . . .	18

One ship of the line in the Mediterranean! And for this utter neglect of British interest—for this most discreditable helplessness to which we are reduced in that sea, where the fate of Empires has been so often, and will be again, determined, what is the excuse? I read the statement of the First Lord of the Admiralty with astonishment, that our Naval Force was employed on the coast of Ireland, and could not be spared for the Mediterranean. Is not this a most lamentable admission? A man who was Lord Lieutenant of Ireland, and who is First Lord of the Admiralty, over whom the Orange flag was unfurled in one country, and to whom the honour of the union-jack is confided in the other, openly in the face of the Parliament, of the country, and of the world, announces that the honour of England is to be perilled, in order that Ireland should be kept down. Do not imagine that I condemn you for having a large Force in Ireland; you have made it indispensable by your misrule, and a further augmentation of that Force will be, whenever you shall be at war, required—that I complain of. What I most profoundly lament is, the policy by which you have exposed the country to the most fearful peril; when you could, by means so obvious and so easy, convert Ireland, now a source of weakness, into a monument of your strength; and in the affections of a loyal and devoted people, by common justice, raise up a bulwark of your empire infinitely better than any which Richmond Penitentiaries can afford. But let me not permit myself to depart from Algiers to Ireland, although the First Lord of the Admiralty has associated them together; let me revert to and resume the topics which will appear to be more immediately connected with the Motion with which I mean to conclude. I have traced the circumstances under which the French possessions in Africa were acquired; I have shown how completely our Government were baffled when the expedition first landed in Algiers; I have shown the effects upon our commerce of the extension to Algiers of the principles of French colonisation; I have adverted to the aggressive proceedings adopted with regard to Morocco, and to the miserable impuissance to which our navy has been reduced; and as I began I conclude. I stated at the outset of what I said, or meant to say, that I should studiously take care not say anything at which Frenchmen the most sensitive could reasonably complain. I hope that I have kept my promise; I was anxious to do so. I look upon the French as a most noble people. I regard the present Prime Minister of France as a man of surpassing abilities, and among men of high intellectual stature, as standing pre-eminent. The King of the French is one of the most remarkable men whom his country, fertile in greatness, has produced. He has proved that the uses of adversity are sweet, and with a diadem upon his head, has preserved that jewel which adversity is said to bear—a precious one—and finer than the brightest brilliant that glitters in his Crown. But, however we may be disposed to admire the people of France, and the Minister and the King of the French, we must bear in mind, that between France and England there exists, and there has always existed a feeling of competition, which should induce us to look for the proof of cordial friendship to something more substantial than mere professions of amity, however prodigally bestowed. My noble Friend, the late Secretary for Foreign Affairs, was said to have alienated France, at all events, he did not lower England. But in what regard have his successors in office succeeded in obtaining from France anything beyond those phrases of diplomatic endearment, which we should be taught by what is passing to appreciate at their real value. What have you got from France since you have come into office? A commercial treaty has not been signed—no single advantage for the trade of England has been secured. Your predominance in Spain is gone; the Escurial is but an appurtenance to the Tuileries; and upon the coast of Africa, whence Spain is commanded, before the armies and the armaments of France the influence of England has vanished. Talk as you will of the friendly feelings of France, and of the better understanding that prevails between the two countries than existed before you came into office, that you have gained a single point, either political or commercial, I think you will find it difficult to establish. Sir, I beg leave to move

"For Copies of the Ordinance of the 16th of December, imposing increased duties on our shipping and manufactures, and a Return of the amount of our Naval Force in the Mediterranean on the 1st of July, 1844."

Sir *C. Napier* seconded the Motion.

Sir *R. Peel*: Sir, I cannot make any observations in reply to the speech of the right hon. Gentleman without in the first instance expressing my regret that he felt himself compelled by a sense of duty to bring forward a Motion calling upon the House of Commons to express an opinion on this subject. Sir, we are occupied in doing what we can to prevent any hostile collision between France and Morocco, that may be either injurious to the integrity or independence of Morocco, or compromise the commercial or political interests of this country. I must say that our efforts are not aided but impeded by discussions in this assembly, producing necessarily counter discussions in another popular assembly; exciting a hostile feeling between the countries, and obstructing the efforts of the two Governments, desirous of maintaining amicable relations between France and England, by calling into action the passions of popular assemblies. The right hon. Gentleman has asked the House to give him credit for good intentions in making the Motion. And, I must acquit the right hon. Gentleman of any intention to cause animosities between this country and France; but, if that had been his intention, he could hardly have taken any course more calculated to ensure it. The right hon. Gentleman to-day moves for Papers, but as an indication of the spirit in which the Motion has been made, let me refer to the Motion of which the right hon. Gentleman gave notice on Friday night last, and which was printed with the papers and circulated with them on Saturday morning. The right hon. Gentleman then gave notice that he would move that a Select Committee be appointed to inquire into the circumstances under which the French possessions in Africa were acquired, and how far their extension is consistent with the political and commercial interests of this country. A Select Committee! of which the right hon. Gentleman was to be the Chairman, to inquire into the manner in which the French possessions in Africa were acquired, and how far their extension was consistent with the political and commercial interests of this country. I wish the right hon. Gentleman would bear in mind the feelings of this country if the French Government had proposed a Select Committee of the Chambers to inquire into the mode in which we got possession of Hongkong, and how far it was consistent with the interests of France that we should extend our possessions in the Chinese seas. I wonder what the right hon. Gentleman would have thought of such a motion. I presume the right hon. Gentleman does not act without mature deliberation. He is a Privy Councillor; he has been in office; conversant with all the affairs between this country and Algiers, and yet upon Friday last having had his attention directed to the subject, he absolutely gave notice that he would to-day move for a Select Committee to inquire into the circumstances under which the French held military occupation of Algiers, and how far it was consistent with our interests. That was tantamount to a motion that he should at once be made Secretary of State for Foreign Affairs; and I wish he had made such a motion: it would have been infinitely better that he should be made Secretary of State, and take into his hands the government of the Foreign Office, than that we should take upon ourselves the task of governing foreign countries by means of a Select Committee, of which the right hon. Gentleman is to be Chairman; but, the right hon. Gentleman thought better of it; I told him then, that I gave him credit for the most extraordinary notice of Motion that had ever been given by any hon. Member. He did not admit it at the time; but he went afterwards to the Clerk, and begged that his Motion might be altered, and deprecated its being printed. The right hon. Gentleman this evening began his recital of events with the year 1830. He says that the despatches of Lord Aberdeen, then Minister of Foreign Affairs, showed the greatest sagacity, but that his conduct was not in conformity with his precepts. The House will bear in mind perfectly well, from the importance of the events that characterised that year in Paris, what took place in 1830. France having had a quarrel with Algiers, directed a considerable force against that power. Explanations were required by my noble Friend. The right hon. Gentleman says those explanations were entirely unsatisfactory. The explanations which were given at the time by the French Government, the Government of the Restoration, the Government of Charles X. were to this effect:—On the 12th of May, 1830, Prince Polignac assured us,

> "That although the King was resolved not to lay down his arms or recall his troops from Algiers until he had gained satisfaction, yet he announced to his Allies that he was desirous to take measures in concert with them in the event of the dissolution of the Government then existing in Algiers, in the struggle that was about to take place." (He said) "that the object of that concert would be to discuss the new order of things which it might be desirable to establish in that country for the great benefit of Christianity, and he assured his Allies that he would enter into those deliberations

prepared to afford every explanation that might be required, disposed to take into consideration all rights and interests freed from every anterior engagement, at liberty to accept any proposition which might be made to obtain the object in question, and free from every feeling of personal interest."

That was the declaration of the Prince de Polignac at that time. Success crowned the efforts of the French in Algiers, and, on receiving the information of that success, Lord Stuart de Rothesay expressed a hope that the French Government would not forget the assurance it had given with respect to the abdication of any intention of territorial aggrandisement, and on the 16th of July Prince de Polignac then repeated his former assurances, and he also assured the British Government that the French Government were not inclined to depart from them. What followed? There was an insurrection against Charles X.; it continued on the 27th, 28th, and 29th of July, and on the 30th the elder branch of the house of Bourbon ceased to reign in France. We left office on the 15th of November of that year, having previously recognised the Government of Louis Phillippe, which we thought was appointed with the general goodwill and assent of the people of France. The country was in a state of great excitement —the tenure of power was, of course, precarious. The other Continental Powers were hesitating as to the course they should pursue. This country felt it to be its duty without hesitation, seeing that the will of the people of France was unequivocally expressed in favour of a change of Government, of a transfer of power from one dynasty to another, to set the example to other countries, and did recognise that Government which appeared to be in unison with the affections of the people. The right hon Gentleman would have advised, at the moment that recognition was made, a demand for the evacuation of Algiers; but to have insisted on that might have had an unfavourable effect on the new Government. There were communications between the French and British Governments on that subject subsequently to the accession of Louis Phillippe. Lord Aberdeen moved for these communications in the House of Lords in the year 1832, and it was at the instance of Earl Grey who, animated by the same desire by which we are now animated, at a time of great excitement, and when there was a tendency to great irritation expressed a wish that Lord Aberdeen would not press for those Papers, that he withdrew his Motion, and showed that he had no wish to embarrass the Government of that day. It was in consequence of that expression of Lord Grey's wish that those Papers were not produced. On the 15th of November, 1830, we were succeeded by the Government of Lord Grey, and the two noble Lords whom I see opposite came into office; and what passed as to Algiers from 1830 to 1841? Our opponents were in possession of power for a period of eleven years. The facts were all before them—they acquiesced in the occupation of Algiers by France for the whole of that period. There was no remonstrance whatever against that occupation, and I think I shall not be contradicted when I say that the tenor of the communications made by that Government during the period of eleven years that they held office from the 15th of November, 1830, to the 18th of August, 1841, were to this effect — that the conquests of France in Africa, if limited to the Algerine territory, would not endanger the harmony and good understanding between the British and the French Governments. I am not blaming the late Government for the course they pursued. I am stating to the House what were the motives by which they were actuated; they were desirous of maintaining the Government of Louis Phillippe in France; they found that the subject of the evacuation of Algiers was one which excited the irritable feelings of the French nation; they were convinced that any attempt to press upon that Government the fulfilment of that engagement made by the Government of the Restoration would weaken the authority of that Government in France, and subject it to considerable hazards, and it therefore forbore from pressing on the Government of France the evacuation of Algiers; they maintained silence; they acquiesced for these eleven years in the continued occupation of Algiers by France. But what a difference does that make in the question of occupation—what a practical difference is there between pressing for the evacuation of Algiers in November, 1830, and in November, 1841, after eleven years of tacit acknowledgment! And was it without notice that you acquiesced? Was it not publicly declared in the French Chambers at an early period of your assumption of power that the French Government intended to retain Algiers? Do you recollect that in the year 1832 or 1833 Marshal Clausel, who had held an important command in Algiers, put these three questions to the then existing Government of France:—

> "Do you intend to colonise Algiers? Do you intend to abandon Algiers? Or do you intend to yield Algiers?"

To which Marshal Soult expressly declared in the Chambers, in the face of Europe,—

> "We do intend; I repeat that it is the intention of the Government to favour as much as possible the colonization of Algiers. Up to the present time it has never entered into our thoughts to evacuate Algiers—our whole conduct in that country, and on the whole coast of Africa, shows that we contemplate permanent occupation, and that we have nothing to fear against any one that meditates any disturbance there."

That was the public declaration made in 1832 by Marshal Soult on the part of the French Government, and therefore the Government of England were aware of the fact that the French Government did intend to remain in the occupation of Algiers; but after the public intimation of the intention of the French Government, there was no remonstrance against it; and I will state thus far, that whatever communications took place between the French and British Governments in the interval between July, 1830, and November of the same year, were at least to some extent, addressed to that Government, wherein the noble Lord held the situation of Secretary of State for Foreign Affairs, subsequently to these occurrences. I am not trying to throw blame on the Government that succeeded us; but, considering the position in which France was placed, the danger to which the throne of Louis Philippe was exposed, considering the lamentable consequences that must have arisen from the displacement of Louis Philippe, from the attempt on the part of the legitimate Government to restablish itself in power, I cannot say 'that I think that the Governments of Lord Grey or Lord Melbourne were acting unwisely in acquiescing in the retention of Algiers by the French. They did acquiesce — they made no remonstrance against it. Our Consul continued to act, as he does now, under the *exequatur* of the Dey of Algiers, and I ask whether it would be consistent with wisdom or prudence, that after eleven years occupation without remonstrance, would it, I say, have been consistent with wisdom or common sense that we should have gone to the French Government and said — notwithstanding this silence and acquiescence on the part of our predecessors — "We now recall to your attention the engagements of Prince de Polignac, and insist on the evacuation of Algiers." These were the circumstances under which we found the occupation by France of Algiers in 1841. The right hon. Gentleman, as a proof of the inconvenience and embarrassment arising to this country from that occupation, referred to the ordinance imposing a duty on the importation of English goods into Algiers on the 16th of December last. Such an ordinance certainly was issued, but no doubt was not directed against English ships and English manufactures, but was establishing a discriminating duty in favour of French manufactures as compared with foreign manufactures. But, says the right hon. Gentleman, "that which I object to is the principle of that ordinance;" but I will shew that that principle was decided long before, as far back as 1835. [Mr. *Sheil*: But the facts are new.] The right hon. Gentleman says, now that the facts are new; but I was going to show you that the principle was established before. He was imputing to us negligence in permitting France to issue this ordinance without remonstrance in 1843, which exposed British produce to a discriminating duty favourable to France; but he concealed the fact—unintentionally, no doubt—that in 1835 an ordinance was issued, establishing the same principle, though not in the same degree, of a discriminating duty in favour of French produce. That ordinance was issued at the latter end of 1835, when the noble Lord was Secretary of State for Foreign Affairs. [Mr. *Sheil*: Yes, but the facts were different.] But the principle was not new as to the establishment of a discriminating duty in favour of French ships and French commerce. Now, the ordinance of 1835, is in these terms:—

> "That considering our ordinance of the 12th July, 1834, concerning the general administration of our French possessions on the north coast of Africa, and being desirous of regulating all that concerns the duties upon navigation, and the customs to be received in the same possessions, with report of our Ministers,——"

And then it proceeds, "*nous avons ordonné*, &c. The principle of the ordinance was precisely the same; there was exactly the same amount of acquiescence in 1835 that there was in 1844. The example of acquiescence was set by our predecessors. There was certainly a difference in the amount of duties imposed at those periods, but the principle was precisely the same. In 1835 a discriminating duty of 2f. was imposed; in 1844—the words of the ordinance of 1835 being quoted—the duty was raised to 4f., but it was not directed against British commerce or British navigation. What inference would the right hon. Gentleman opposite have us to draw from this fact? Would he have us go to war on that point? Would he have us insist upon controlling the French in the right of imposing their own commercial duties? I will say that I deeply regret the exercise of this power by the French Government. I deeply regret that these discriminating duties have been imposed; but that is a widely different thing from questioning the right of the French Government to determine the amount of their duties, especially after the precedent established in 1835. The right hon. Gentleman doubts the sincerity of the declaration made by the King of the French with respect to Morocco. The right hon. Gentleman has said, that the King of the French is a great statesman and a virtuous man; but he seemed to apprehend that the same course may be adopted by the French with regard to Morocco that has been pursued with reference to Algiers. The right hon. Gentleman says, he has not the slightest wish to involve us in war, but that he thought it necessary to make his speech to-night in order to draw public attention to this subject. I am, on this occasion, speaking necessarily under great reserve. The right hon. Gentleman opposite possesses a great advantage over me. He knows that I cannot enter fully into details with reference to this question; and as to the amount of our naval force, without compromising the Government. He knows I cannot speak on this subject with the same freedom of discussion with which we speak upon ordinary questions relating to internal politics. The right hon. Gentleman knows, from the experience of the last six weeks, that I could not speak freely without provoking excited feelings in France—without subjecting the French Government to taunts that they are mere instruments in the hands of the Government of this country—and without exciting against the Government of France such accusations as the right hon. Gentleman has directed against my Colleagues and myself. If the right hon. Gentleman thinks that these public declarations are of no account—if he thinks there is no respect for national honour—there can, I apprehend, be very little additional safety in treaties which, in these cases, are inapplicable. But the declarations of the French Government were made to the British Government; they were made in the face of the world by the Minister of Foreign Affairs—the organ of the French Government. M. Guizot publicly declared in the French Chamber, that the French Government had no desire to provoke hostilities with Morocco, that they had been most anxious to maintain peace, and that they have no natural or national cause of conflict with that state. I see that the right hon. Gentleman distrusts that assertion. I think, if he entertains such an opinion, he might have spared the elaborate compliments he has to-night paid to the King of the French, for the right hon. Gentleman spoils the effect of those compliments by sneering at the declaration to which I am now referring. The right hon. Gentleman must not claim popularity when he visits France, on the ground of his compliments to the French people and to the King of the French, if he shows his regard for them by sneering at the declarations I have mentioned. [Mr. *Sheil*: I did not sneer.] No; you said nothing. But the right hon. Gentleman is so naturally eloquent, that a look on his expressive countenance has the effect of a speech from an ordinary individual. I repeat that the declarations I have quoted were made by the organ of the French Government, who stated that Abd-el-Kader, having disturbed the tranquillity of the French territories for some years, had taken refuge in the territories of Morocco, and that from that position he had directed fresh assaults upon the possessions of the French in Algiers. M. Guizot then declared, as to the policy of the French Government, that they had no views of conquest with regard to Morocco, that they had formed no project of territorial aggrandizement, that they found that the territory of Algeria was quite sufficient for France. M. Guizot states again—

> "I am convinced that it would be senseless, on our part, to cherish any views of aggrandizement or conquest; we disclaim anything of the sort; all we demand of the Emperor of Morocco is what we have a right to demand—to live in peace, and that our frontier shall have security."

M. Guizot then states the demands made by France upon the Emperor of Morocco; he says what they demanded, and what they had a right to demand, was that the assembling of troops by the agents of Morocco or of Abd-el-Kader should be prevented,—that those officers who infringed the law of nations should be recalled or punished,—that if a Mussulman Sovereign felt himself bound to afford Abd-el-Kader an asylum, he should either be directed to repair to the interior or to the coast, that a fixed residence should be assigned to him, and that a guarantee should be given to the French Government that Abd-el-Kader would not be allowed to direct hostile attacks against them from a friendly state. This intimation was given by M. Guizot in the French Chamber without any reserve. I before stated, in answer to a noble Lord opposite, that the general purport of the instructions given to the French naval and military commanders in Algiers had been communicated to the Government of this country. I did not mean that the precise detailed instructions had been sent to us, but only that the purport of those instructions had been communicated. I am borne out in this respect by M. Guizot, who states,—"The instructions the Prince de Joinville has received are in exact conformity with the policy with reference to Algiers I have now stated to you." M. Guizot says, that the instructions given to the naval and military commanders are in general conformity with the policy he had announced. I stated in this House—and the circumstance shows the danger and inconvenience of discussing matters of this kind—that the purport of those instructions had been communicated to us. It was then reported that I had said, the naval and military instructions issued by the French Government with reference to Algiers had been communicated to the Government of this country. A flame was immediately kindled in the Chambers of Peers and Deputies, and it was said, "Communicate to us what you have communicated to the British Government." all this arising from an erroneous construction of my statement. The right hon. Gentleman then referred to the state of our Naval Force. Now, I trust the House will support me in declining to enter into any discussion with the right hon. Gentleman as to the present amount and condition of our Naval Forces. The right hon. Gentleman taunts us on this side of the House with having stated in 1838, that the Naval Estimates ought then to have been increased, and with having, at a subsequent period, neglected to effect that increase. I think, however, I can show that we have not neglected the exigencies of the Naval Service. The right hon. Gentleman says, that in 1838 I complained that the Naval Force of this country was insufficient. In that year the estimate for the effective service of the Navy, discarding from consideration the packet service and the revenue service—was 3,085,000*l.*, while it is now 4,004,000*l.* The estimates for the last four years have been larger by far than any estimates for the ten years preceding; and what has been the result? It may be quite true we have not the same number of ships in commission; but within a very short period this country would be enabled with the consent of this House to make a naval demonstration worthy of its fame as a maritime country. The right hon. Gentleman has compared the number of ships in commission now with the number in commission at a former period. I beg to remind the right hon. Gentleman that we have taken 36,000 seamen and marines for our Naval Force for the present year. I don't think the hon. and gallant Officer opposite (Sir C. Napier) ought to have cheered the right hon. Gentleman when he was alluding to the number of ships in commission; for, I think I have heard the hon. and gallant Officer say, at a former period, that though there were several ships in commission in the Mediterranean, they were so ill-manned that they were in a most unserviceable state. I assert, then, that the number of ships in commission is no test of your naval strength. You may have a small number of ships in commission well manned and appointed, and may yet be more strong as a naval power than if you had a large number of vessels in commission without their proper complement of hands. The hon. and gallant Officer (Sir C. Napier) may, perhaps, recollect the complaints he made respecting the condition of the ships employed on the coast of Syria; and I think, when the hon. and gallant Member is considering such a subject as this, he ought to look to the present condition of the Navy with respect to manning and appointments. The right hon. Gentleman asks for an account of the Naval Force now employed by this country in the Mediterranean; but I think he can hardly desire the production of details of this nature. [Sir *C. Napier*: A statement on the subject has appeared in the public papers.] But that is very different from a statement in Parliament. I have attempted to show, that if in 1841 we did acquiesce in the continued occupation of Algiers by France, we did so in consequence of the course of events, in consequence of the preceding acquiescence of our predecessors which I do not blame —in consequence of the statement made by them that this country would not disturb France in the occupation of Algiers, but that it did expect from France a disclaimer of any intention to extend its conquests either in the direction of Tunis or of Morocco. Such declarations were frequently repeated; with those declarations the late Government professed themselves satisfied; and since that Government quitted office corresponding declarations have been made. The noble Lord opposite (Lord Palmerston) will, no doubt, remember that this question relating to Algiers was discussed when he was Secretary of State for Foreign Affairs. If, then, I appear reserved in the communications I am now making,—if, from a desire to promote an honourable peace between Morocco and France, I am necessarily obliged to confine myself within narrow limits in discussing this question. I must remind the noble Lord that he has asked for the same forbearance, and has exhibited the same reserve when called upon by the Motion of Sir Samuel Whalley to discuss this question under similar circumstances. In 1833 the noble Lord was called upon to speak upon this subject in reply to an hon. Friend of mine, and he then stated, that with reference to the possible designs of France on another portion of the coast of Africa, he could assure the hon. Gentleman that the strongest assurances had been given by the French to the English Government, that notwithstanding the occupation of Algiers they had no designs upon Tunis or Morocco; but, that as the matter then stood, he thought he would best consult his duty by abstaining from expressing opinions which it might be neither useful nor convenient to utter. On that occasion I abstained from taking any part in the debate, for I felt the difficulty of the position in which the noble Lord was placed. The noble Lord was asked by a noble Member of this House (Lord Mahon) to state what was the date of the declaration to which he had alluded. The noble Lord replied that those assurances had been given within the last few months, that they had been chiefly verbal, but that he must decline to lay before the House the communications that had taken place. I think, then, under the circumstances, it would not be advisable to lay before the House communications between this country and that of France as to the events in Algiers. I do hope, therefore, that the right hon. Gentleman will not provoke any difference of opinion, but that he will allow the Motion he has made for the production of papers to be negatived. While I have been anxious to vindicate the Government, I should be most unwilling to treat any Motion made by the right hon. Gentleman opposite with anything like disrespect; but, at the same time, I have been most anxious to avoid any expression or any intimation of opinion that could by any chance diminish our authority, exerted as it now is for the maintenance of an honourable peace.

Lord *J. Russell* said: So far as my own views are concerned, it was not my intention to have made any Motion on this subject, after the statement of the right hon. Baronet in answer to a question I put to him at an early period of the Session. In the present state of affairs as to France and Morocco, I should have delayed asking for any further explanation as to the course the Governments of this country and of France have pursued. I think, however, that nothing could have been more temperate than the speech of my right hon. Friend who has judged it expedient to bring forward this subject,—that no language could have been more guarded; and I believe that the right hon. Baronet opposite, objecting as he does to that Motion, has misunderstood a great portion of the observations of my right hon. Friend. My right hon. Friend referred to what took place in 1830 with respect to the occupation of Algiers; and the right hon. Baronet says, "Is it to be supposed that we, who were out of office from 1830 to 1841, should in the autumn of 1841 insist upon an evacuation of Algiers by France?" My right hon. Friend, as far as I heard, never made such an intimation; and nothing can be more gratuitous than the supposition of the right hon. Baronet. The right hon. Baronet is an able debater when he deals with substantial arguments; but when he fights with shadows he endeavours to deal with them with still greater energy than he bestows upon the substance. I think the right hon. Baronet (Sir R. Peel) has correctly stated, generally, the course pursued by the late Government with respect to the occupation of Algiers by the French. We certainly never thought it conformable with the policy of England to make any demand upon France for the relinquishment of the territory of Algiers; and I own, that on reviewing the circumstances, I cannot think that we were mistaken in our views on that subject. We did, upon more than one occasion, ask for explanations with respect to any further aggrandisement of France in Africa, but with respect both to Tunis and Morocco, we obtained assurances which we considered satisfactory. To those declarations the right hon. Baronet has alluded, and he has stated that similar assurances have been given to the present Government. I will not ask the right hon. Baronet for any further explanation than that he chose to give of the assurances he had received from the French Government with respect to this subject; and the right hon. Baronet has said that the Secretary of State for Foreign Affairs in France, M. Guizot, stated in the French Chambers what were the complaints made by that country against the Emperor of Morocco. All I will say on this subject is, that though the demands of the French Government appear, on the face of them, fair and reasonable, they involve very delicate questions; they involve the question as to how far the power of the Sovereign of Morocco may be exerted to prevent Abd-el-Kader, or chiefs who are friendly with him, from making aggressions upon the French territory; they involve, also, the question—supposing this demand of France is not agreed to—as to the manner in which the war shall be hereafter carried on. These questions I view without any apprehension; and, seeing the great delicacy of these subjects—seeing that from week to week, or from time to time, the complexion of these affairs may change, I am not disposed to press for any other explanation than that which the right hon. Baronet opposite has already given as to the policy of the Government with respect to this subject. I think also, it may be well that we should consider what is the position of the Sovereign of the French nation, and of the Ministry of that country, with relation to this question. It is impossible not to see that there is, and has been for many years, a party in France which has a blind passion for war—which does not seek hostilities for the reparation of an insult to the national honour, or for any object necessary to the establishment of French interests, but from envy of other European nations, or from a desire of that delusive military glory which they think can be obtained by war alone. This party is continually pressing the Chambers and the people of France to take occasion of any trivial occasion that may present itself for involving that great country in war; and I have rejoiced to observe, that the present Government of France, while—as far as I could see—duly considering the honour and interests of the nation, have manfully opposed themselves to that passionate desire which prevails among certain sections of their own people. While this is the case I should be less disposed to press upon that Government for anything which is not essential to the establishment of English honour and interest, and which might be grating and irritating to the French people. If this is the course adopted by the Government of this country, it ought to be—and I trust it will be—a course followed by Parliament. The Ministry of this country, I conceive, occupies a more fortunate position in this respect than the French Government. There is not, I believe, in this country, any party ready to seize every occasion of quarrel, or disposed to make demands upon another country, with which that country cannot comply consistently with its honour and dignity. I think I may congratulate the right hon. Baronet, that he is not now labouring under this kind of pressure. If he were, I believe he would be determined to resist it, for I am convinced the right hon. Baronet entertains a sincere desire to maintain peace. But while I say this, I do not think the Government justified in the course they have taken with respect to our own naval defence. It is a very different thing to say that the House of Commons should not interfere to direct and control the negotiations carried on by the Executive with a foreign power, and to say that the House of Commons shall not ask those entrusted with maintaining the military and naval forces of the country in what manner the supplies voted cheerfully (and the hon. Member for Montrose might, perhaps, say lavishly) by Parliament are applied. The right hon. Baronet has to-night renewed the protest he has made on former occasions against being interrogated in this House as to the condition of the naval force of the kingdom. Why, nothing could be more constitutional than such inquiries—nothing is more justifiable by precedent. If you look to the conduct of Chatham, Pitt, and Fox, you will see, that when they were out of office, they frequently criticised and condemned the use made by Government of the votes granted at that time for the purposes of the Navy. Certainly the late Government was exposed to continued attacks on this subject. Some time ago, on the question of going into Committee of Supply, I ventured to make two or three observations on this subject. I said, "I see a difficulty arising between France and the state of Morocco, and it appears, according to the public prints, that you have only one sail of the line in the Mediterranean. Now, I am fully prepared to maintain that it is much better to have a force ready for service in times of peace, rather than to have to fit out a force upon a sudden emergency." The only answer I obtained was one in a tone of levity from the right hon. Baronet. The right hon. Gentleman having no joke of his own at command, borrowed one from a rev. friend of mine, the rev. Sydney Smith, a very good joke in its way, and better perhaps than any that could have been uttered by the right hon. Baronet; but the right hon. Gentleman did not vouchsafe to give an answer to my inquiry. As to the employment of the 4,000,000*l*., to which the right hon. Baronet has alluded as voted in the supplies as to whether there are ships or men forthcoming to defend the interests and commerce of the country,—those, no doubt, are very impertinent questions to be asked by a Member of the House of Commons. I find, from the statement referred to by the right hon. Baronet, (Sir R. Peel) on this subject, that about September, 1838, when a violent attack was made upon the late Government for the insufficiency of the Naval Force at their disposal, there were 18 line-of-battle ships in Commission. In July, 1844, there are only nine. The total number of line-of-battle ships, frigates, sloops, and brigs in 1835, was 125; at this time it was only 96. [Sir *R. Peel*: But we have increased the number of men.] Still I don't think that is a sufficient answer. The late Government may have been in the wrong on this subject, but they adopted the opinions of great naval authorities, beginning, I believe, with Lord Howe, and coming down to Sir Thomas Hardy, who investigated this subject, and gave it as his opinion, that the complement of men maintained in 1836 was amply sufficient for ships in time of peace. The present Government thought, however, that the complement should be larger; but is that a reason why they should have so greatly reduced the number of ships. If it is necessary the ships you maintain should have their present complement of men, is it not also necessary that you should have a sufficient number of ships; In September, 1838, we had seven line-of-battle ships in the Mediterranean; in 1841, 17; and in the beginning of 1844, one. In September, 1838, we had six line-of-battle ships at home, and two at Lisbon —a total of eight, ready for service at any moment. Now, however, there are only two line-of-battle ships in the Mediterranean, and you have only nine altogether, of which two are in the East Indies, and one is about to proceed to the Pacific. There will, therefore, be only two or three line-of-battle ships left at disposal for the defence of the coast. My right hon. Friend the Member for Halifax (Mr. C. Wood), in proposing the Navy Estimates in 1839, went into detail on this subject; and showed that instead of a diminution there had been a great increase of the Navy Estimates since 1835. One of the right hon. Secretaries for the Treasury also made a very elaborate speech on that question, and he quoted the opinions of the hon. and gallant Officer opposite, a Member of the Board of Admiralty (Sir G. Cockburn) who stated that when he was asked by Mr. Canning, in 1826, what Naval Force could be got ready immediately, he replied that he had no Force ready at the moment, but that in three days he would have 12 sail of the line in readiness. Mr. Canning made the statement in the House of Commons; the order was given, and the 12 sail were in readiness in three days. That circumstance is, I conceive, most creditable to the skill and energy of the hon. and gallant Officer. But I ask him what is the case now? He believes now that larger complements of men are necessary. But I cannot see how the hon. and gallant Officer could at this moment get 12 sail of the line off to the Mediterranean, or anywhere else, should it be necessary to send them in that quarter. It certainly is competent, having voted a large sum of money for the support of the Navy—it is quite competent, I repeat, for any hon. Member of this House, having been asked to sanction that vote, to inquire whether this country have a sufficient Naval Force in the case of any sudden and unforseen emergency. There is another question connected with this subject which I might ask the right hon. Baronet; but I shall defer doing so until the remainder of the Navy Estimates come on in Committee of Supply, when it is my intention to ask the right hon. Baronet some questions with respect to the building of ships. I shall ask the right hon. Gentleman opposite what large ships are ready to be launched, and I shall be glad if the answer which is given shall be perfectly satisfactory. This I am aware, is a totally distinct question from that embraced in the Motion of my right hon. Friend (Mr. Sheil), which, although well founded, there may be some objections to it; although I believe that no inconvenience would result from granting the Papers which my right hon. Friend has asked for, still as his Motion might be drawn into a precedent on a future time for the inquiry of the destination of ships when it possibly would be inconvenient, I trust that my right hon. Friend will not press for the Papers which he has asked for. With regard to the negotiations not being carried on with a due regard to the honour and interests of England, I confess that I am no more influenced by the clamours raised here than I am by those raised in France with respect to their Government being alike neglectful of the honour and interest of France; not, then, being disposed to pay any attention to those clamours, I have seen nothing to induce me to urge the extreme step contemplated by the Motion of my right hon. Friend. With respect to the position of this country generally, I trust that a sufficient Navy will be always maintained, so that the name and dignity of the country may be properly sustained.

Mr. *M. Milnes* said, that there was one admission in the able speech of the noble Lord who had just sat down, which he regarded with particular satisfaction, that he could not regard the relation of France and Morocco with any apprehension whatever. The noble Lord said that with respect to the state of affairs between France and Morocco, he had no anxiety, having full trust, which all the country had, in the Government and humanity of France; he did understand from those views that the noble Lord did not regard with apprehension the relations of France and Morocco. As regarded the strength and state of the Navy, it appeared to him that there was no culpability attached to Government in not having any additional force in the Mediterranean, for he had no apprehension of any hostility at present, and if such were to take place he had no doubt that there would be sufficient time to collect a sufficient force to meet any that might be brought against us. He did not suppose either that the noble Lord at the Head of Foreign Affairs was so far behind his noble predecessor in the act of protocolising as not to be able to delay such an event a sufficient time to enable us in some measure to prepare one. He could not suppose, from the known good feeling of the right hon. Gentleman who had brought forward that Motion, that it had been done with any hostile feeling, or that the words of the Motion had been framed with any such intention. Nevertheless, he saw with great pain that notice of Motion, from the confident belief that it would be misinterpreted and misunderstood. Knowing the existence of a war party in France, he thought that it behoved them to do all in their power not to increase those difficulties with which the Government of France had to contend. There was no practical good to be obtained if Government came forward and would not recognize the right of France to Algeria. For his own part he was not in a position to understand why the right of France to Algeria had not heretofore been recognised. At all events, as long as that recognition was withheld, we had no right to expect the concession of any particular favour to our commerce from France. In respect to Algeria, then, he could not see that any circumstances to which their attention had been called were calculated to cause a suspicion that the French designed further conquests. He could not suppose that the French were anxious for any extension of territory. It was impossible to talk with Frenchmen without hearing regrets of the blood which had been sunk in the sands, and the gold which had been wasted in that fruitless contest. With France there could not be any other intention in their contest with Morocco than the prevention of a hostile force coming to the assistance of the Abd-el-Kader and his followers, and making the empire of Morocco the basis for wrenching the territory from the French. He did feel that the time must come when Christian civilization ought to be carried to that country, but of that he feared there would be but slender hopes, if it were always to remain abandoned to a horde of barbarians. These matters, however, might be deemed too speculative for them as politicians; he did trust, however, that taking into consideration the difficulties which the English Government had to arrange, that the right hon. Gentleman would be induced to withdraw his Motion. At the same time, he thought that it would be grateful, both to the House and the country, if the right hon. Gentleman would reiterate his assertion, that he had brought forward that Motion with no hostile feeling to France, and with none other than kindly feelings towards the French nation generally.

Mr. *Hume* said, that the right hon. Baronet had taken up two questions in his speech; the first of which was, as to how far the House had a right to look to the disposal of the moneys voted by them; and, secondly, as to how far they might interfere with the negotiations carried on between two countries. With respect to the first question, he thought it nothing but right that the House should have full cognizance of the disposal of the Supplies voted; the better the application of the money was known, the better, he thought, it would be for the interests of the country. With regard to Motions of that kind, he must express his disapproval of them. When those who sat on his side of the House held the reins of Government they were constantly being told of the inefficient state of the Navy; those who now sat on the opposite side of the House were constantly attacking the Government by a depreciation of the fleet; he could not but regret that the late Ministry had yielded to those attacks. He thought that if there was any sincerity in the anxiety expressed by some to see peace maintained, that they should not be so anxious to increase the Navy. The right hon. Baronet, in his opinion, was deserving of thanks for having reduced the Navy. There was a party in France who were continually exciting the minds of the French people, and continually hoping for war. What, he asked, was more likely to remove that jealous feeling than by showing our confidence in them by reducing the Navy? He would never desire the Navy to be reduced very low, for he deemed that we ought always to maintain a sufficient force for the protection of our commerce. But there was an all powerful consideration against increasing the number of our ships, for when England armed, the world armed; when England increased her fleet, the French did the same, the United States the same. For those reasons the Navy ought to be reduced as low as possible, so as not to give the war party in France any cause for jealousy, or any excuse for urging an increase of the French navy. With respect to the second question treated of in the right hon. Baronet's speech, as far as his experience went, it was an evil to interfere in the affairs of other countries. It was true, as had been instanced by the right hon. Baronet, what should we have said supposing that the French had appointed a committee to inquire respecting our conquest of Scinde, or occupation of Hong Kong? He believed that it was to the interest of the French Government to maintain peace, and that they might rest secure with the declaration of the French Government that they had no design of further conquests; at all events let them do nothing which might be misunderstood. He was glad to hear, from the Government, the declaration of its maintaining peace, and reducing the Navy, as far as was consistent with the honour and dignity of the country. He thought the Navy larger than it ought to be—larger than the wants our commerce required. He recollected the time, however, when the hon. and gallant Admiral did not see any reason why a single line of battle ship should be in the Mediterranean. But it was their object to put down the jealousy which had produced the late formidable armament; he believed that the measure of the right hon. Baronet tended to that object. He deprecated very strongly any idea getting abroad that England would interfere in Algeria. The true policy of England was peace, and they ought to maintain it by interfering as little as possible. On all occasions, however, when Government by interfering had a chance of preventing war, he should say that they were only doing their duty by such interference; he thought at the same time that to lower the Naval Force of England would be the best means of maintaining peace, which he believed that they were all anxious to do.

Mr. *Mackinnon* said, it cannot but be matter of surprize that the right. hon. Gentleman bringing forward this Motion, has stated that in his opinion the results of the present state of affairs in the Mediterranean may prove injurious to the commerce of this country. Sir, the right hon Gentleman has in his speech been so ably refuted by the First Lord of the Treasury, that there is no necessity for me to say one word in addition to what has fallen from my right hon. Friend (Sir R. Peel). With regard to the speech of the noble Lord the Member for London, there was no substance in it, no argument, nothing to answer, it was in fact only a pillow for the Motion of his right hon. Friend to fall gently to the ground, which it is evident it will do, even without a division. As I take great interest on the subject of Algiers and the French occupation of that portion of Africa called Algeria, I will now say a few words, and a few words only on the subject. Now, as the right hon. Gentleman is a lawyer he cannot be unacquainted with either Vattell, or the other writers who have given us their sentiments, and laid down rules with regard to the Laws of Nations, and I believe he will find that every independant state has a right to make war or peace, or to defend itself when attacked without the intervention of any other State. I am not aware that in our late war with China, or when the immense territory of Scinde was added to our Eastern possessions that any motion was made in the French Chambers for a Committee to inquire into the subject. If any member of the French Chambers had done so, he would, I think, have been ridiculed in this country for his pains, and probably not much supported in the French Chambers in his motion. It does not appear to me that we have any right whatever to interfere in the war between France and Morocco. Now let us look at the position in which England and France are placed in reference to each other, and with the rest of Europe, and let us ascertain whether it would either be prudent, or for the interest of Great Britain, to interfere in any manner with the business now going on in Africa. England is now increasing every hour in individual wealth and national prosperity; her finances are now placed on a sound and stable footing by the present Government, particularly by the late Bank Charter Bill; her policy is to reduce her taxation by degrees, and to avoid all unnecessary expenditure. France is increasing much in the same manner, and it is equally her interest, as well as the desire of her government, and that of England, to keep on good terms with her neighbours and to avoid an European war, but the laws are not so well obeyed in France, nor is the Government so strong as in England. The French are a warlike, active, and enterprising people, and their occupation of Algiers is perhaps the best security we have for the continuance of peace. A civilized community must be occupied, and have either trade, commerce and manufactures, or wage an external war, or be annoyed by internal dissentions. The French have not got sufficient manufactures, commerce or colonies to occupy the redundant population, and Algeria becomes a sort of safety valve where the turbulent spirit of the people may find occupation, and where they are likely to find it for some time to come. If the Emperor of Morocco, or the people of that country attack the French in Algeria, have the latter not a right to defend themselves? ought they to stand tamely by and allow themselves to be massacred? In every point of view I think it desirable that the French should settle in Algeria. The right hon. Gentleman favours the Catholic cause, would he not be gratified in seeing the Catholic faith spread itself over that part of Africa? What is to be apprehended to the interests of Great Britain from the colonization of that part of Africa styled Algeria by France? They the French are not likely to extend themselves either to Egypt or the east, or to interfere with our gum trade in the west of that continent, and I trust that the settlement of the colony of Algeria may occupy the attention of the French people so much as to deter them from any thoughts of war with their European neighbours, and enable them and the States adjoining them on the European continent to become by railway and steam communication so dovetailed in interests, and so improved in facility of communication as to render that system of warfare, that has with little intermission been the scourge of Europe and the disgrace of the Christian religion and of civilization, to be much less frequent than it was in former times. It appears, therefore, to me, that both for the interests and peace of England, of France, and of the civilized world, it is desirable for the French to colonize that part of Africa styled Algeria.

Sir *C. Napier* could not concur in the opinion expressed by the hon. Member who had last addressed the House, that any benefit was likely to arise from the French occupation of Algiers. Did the hon. Member believe that such an occupation would have the effect of allaying the French spirit of enterprise? He did not wish to say anything which might be considered as disparaging to the people of France. When this business first commenced, the Government of France said, that they had no wish to occupy Algiers, but that their only object was to punish the people of that country for certain acts of which they had been guilty. The Government of this country would have acted wisely if they had obtained from France a written declaration to that effect. They ought not to permit France to take possession of Morocco. Why, at that moment Prince de Joinville might be bombarding Tangier. It was their duty to protect British interests. The right hon. Baronet appeared very sensitive when the state of the Navy was brought under the consideration of the House. The Navy was in a worse state than it had been in for ten or fifteen years previously. In 1839 they had twenty-one sail of the line, and 34,165 seamen and marines. The French Government had eight sail of the line at the period when this subject was brought before the House of Lords. The Duke of Wellington said they were engaged in a war in Asia and in other parts of the world, and yet had a Naval force sufficient only for a time of peace. He did not blame the first naval Lord of the Admiralty; he was certain that he had not pointed out to the right hon. Baronet the necessity of reducing the naval strength of this country. The right hon. Baronet (Sir R. Peel) in the debate on the Navy Estimates, said, when alluding to the state of the British Navy,

> "It was impossible not to see that the exertions made by other Powers—it might be without any hostile design—by the United States—France and Russia were becoming great naval Powers, and were preparing to cope with Great Britain in the superiority which it had hitherto maintained over the seas; and it was impossible, therefore, to exclude the importance of those maritime Powers from the consideration of the House. There was one material point also—that the House must not only take the actual strength with which it was possible to appear, when it might be called upon to come in collision with other nations, into consideration, but also the degree of assistance which we might expect from our allies. Let the House look at the strength of the Russian fleet in the Baltic at this time. They must not, however, determine the amount of possible danger by its mere extent, but they must look at the other fleets there, and if they found that Russia had a complete preponderating power there, it was most material to consider, whether this arose as well from its own strength, as from the assistance which it might gain."

Again, Sir R. Peel said,

> "That he could not refrain from expressing a hope, that they would not, merely for the sake of economy, rashly diminish the strength of the Navy."

In another part of the speech the right hon. Baronet said,

> "If it were necessary to have eleven sail of the line in the Mediterranean, and two at Lisbon, then all he could say was, that the remaining seven sail of the line in commission were very inadequate to the duty of protecting the coasts of this country, and meeting unforeseen dangers that might assail us without warning. If, on the other hand, so many ships were not wanted in the Mediterranean, why were not five or six sail recalled to the home station, to be kept as a reserve, ready to be called into action on unlooked-for contingencies?"

When the right hon. Baronet came into office in 1841, they had in commission twenty-six sail of the line, and 43,000 seamen and marines; in 1842 that was reduced to twelve sail of the line, fully manned. The French had, at this period, sixteen sail of the line; in 1843, they had six or seven sail of the line, and 36,000 men; and in 1844, the Naval Force was reduced by the right hon. Baronet to seven sail of the line. The right hon. Baronet then had not so many men. He might as well say, that they had fortified the country, not having a sufficient number of men to man these fortifications. Of what use, he asked, were ships, unless they had seamen to man them? The right hon. Baronet said, ships could be got ready quickly: but, when his hon. Friend found it necessary to send a three-decker to the Mediterranean, he was obliged to man her with old pensioners, not having a sufficient number of able seamen at command. But that was not enough, and they were obliged to take 150 marines to fill up with. They were put on board the *Caledonia*, one of the few ships in our ports; and it was said that they had got a ship manned precisely equal to a man-of-war, because the marines were as good as sailors. This being the mode of manning, there was no very great merit in having her manned on signal by the telegraph by four in the afternoon, after a month's notice had been given. For his part, he would not like to have a ship manned in this way by marines; the only excuse for it was, that the manning in this way could be managed rapidly, because in three or four hours he could have as many marines as seamen. He trusted there would be no more reduction of complements of ships' crews, but he believed the right hon. Baronet was about to reduce them to that amount, which was so much complained of under the late Government. Besides sending out the *Caledonia,* they had sent one ship of the line also to Gibraltar, to make an appearance. Where, then, were the seven sail of the line that the right hon. Baronet had spoken of, as being necessary for the defence of the coasts of this country? There was only one ship of the line at Plymouth, and that was manned with marines; and another that had been lying for three months to get men to go to South America. All that he wished was to get up the Navy to a proper state of efficiency. It now took two or three months to send a ship to sea, and the gallant Admiral opposite (Sir G. Cockburn) knew that he could not get a ship manned under that time. The flag ship for South America had been three months fitting out. How then could a fleet be fitted out under five or six months? He knew that the stores were all ready, and that the ships were all in as complete order as they could be. He might be told a fleet might be fitted out in six months; but what had been the case in 1840? The *Vanguard* and the *Rodney* were sent home from the Mediterranean in January or February. They were re-commissioned in March or April, and of course they needed considerable repairs after having been at sea for three or four years; but they were chosen as being the ships that could be got ready the quickest. Well, these ships did not arrive in the Mediterranean again until November, though the French had all along twenty sail of the line in Toulon Harbour. We were obliged to get ships for the Mediterranean from the distant stations. Those did not arrive in the Mediterranean till January. The *Calcutta* did not arrive till February, and several other ships remained in our ports here, and never arrived in the Mediterranean at all. He would ask, therefore, whether he could confide in the right hon. Baronet when he said that he could do what no other Government ever did—that was to say, fit out twenty sail of the line in six months. The French Government, it appeared, had now in commission in the Mediterranean eight sail of the line; they had also in what they called *commission de rade* five sail of the line; that is, ships outside in the roads officered and manned with half crews. They also had three more ships of the line repairing, besides twenty-three sail of the line on the stocks. It was the French custom to keep many ships on the stocks and only launch them as they were wanted. They had as many ships in their dockyards as we had in all our arsenals put together. He had always held that our method of commissioning ships only when they were immediately wanted was not politic, wise, or economical. What had it led to, but when occasion demanded getting ready a fleet of perhaps twenty sail of the line, and then paying them off as soon as they were not wanted, to be again got ready when another occasion called for them? The system was peculiarly unjust to the seamen. We got them to leave the merchant service in order to man our ships of war, where they were kept for a short time, and were then turned adrift without any means of support, until they got into the merchant service again. Then how could the officers improve? One ship had been kept for three years in the Mediterranean full of young gentlemen, officers and lieutenants. They had been three years in Malta Harbour, and had not had the slightest chance of becoming sailors. He could say, that in the Mediterranean, when he and his gallant comrades were there, they had seventeen or eighteen sail of the line; and it was a very difficult thing to see among them all what is called a good lieutenant. Generally, it was understood there, that out of six or seven lieutenants if one good officer could be found, they ought to think themselves perfectly well off. With respect to this question of officers learning their duty, he must say he believed that for a month the Admiralty had had six experimental brigs afloat; he had hoped these would have been sent to sea, that the officers might have learned something of their duties; but the fact was, that we had not men to send them to sea with, although our establishment was increased by 3,000 men. It was true that number was stated before the *Queen* was paid off; but the number in excess above the estimate was still considerable. He hoped that the right hon. Baronet, who, he was afraid, allowed obstinacy to prevail over reason, would alter his determination and come down to Parliament and ask for more men, and he thought that his hon. Friend the Member for Montrose (Mr. Hume) would be one of the first to vote with the right hon. Baronet for the increase when he saw that this country would be placed in an improper position without it.

Viscount *Ingestre* observed, that the hon. Member for Montrose advocated placing the Navy on the lowest footing, forgetting altogether the experience which was necessary for the officers and men. Allusion had been made to the allegations of Members on that (the Ministerial) side of the House against the state of the Navy some years ago, but there could be no comparison between that time and the present, owing to the different circumstances of Europe. At that time there was a very great apprehension of a war with France, on account of the Turkish business, which gave a very different complexion to the matter. He quite subscribed to the sentiments of the hon. Member for Montrose, that they ought now to allay the apprehensions of the war party in France, by reducing our establishment to a certain point. The only difference between them was where that point was to be. He said, that it was their business to keep a certain amount of men and officers, if it were only for the purpose of exercise. There was also altogether a difference between the state of the Navy in 1838, and what it was at the present moment. He did not say that he did not approve of having more ships, but the ships were now efficiently manned, and they now carried their lower deck guns. It was most unwise to send ships to sea, at stations so far from home, without lower-deck guns and a full complement, because they would be estimated as line of battle ships, and they would sully the honour of England if such a ship should be encountered by a frigate of smaller dimensions. Another point on which the former opposition had complained, was the absence of a naval force from the shores of this country, and he said now, that, except where ships were called away on a sudden exigency, they ought to have a certain number of ships at home, so that they might exercise the men in the Channel, in preference to foreign parts; for it would greatly improve the discipline by exercising the crews and the officers. He approved of the system which had been adopted by the present Admiralty of keeping ships in an advanced state. He could not, however, agree with the gallant Commodore in complaining that the complement which had been sent to the *Caledonia* had been made up of marines. They were sent for on a sudden notice, and if seamen could not be procured, he had no objection to them, for they could work the guns and haul the ropes. But another reason why he maintained that the ships should be perfectly manned was, that if it were necessary to have more ships they could take one half out of the old ships, and fill up with new men. The general policy of the Government had been sufficiently handled by his right hon. Friend at the head of the Government, but he had thought it necessary to make these few observations on the naval part of the question.

Sir *G. Cockburn* said, that he would begin by noticing a remark which had been made by the noble Lord the Member for London; and he quite agreed with that noble Lord, that they ought to keep up a respectable force of seamen, for this reason, that they could not make seamen in a day. So he was sorry when they were compelled to diminish the number; but no doubt it had been the practice, in time of peace, to lower the amount of the naval armaments. Then it came to a question of degree, and it certainly was for the

Cabinet to decide the question according to the position of foreign States—according to the reliance which the Cabinet could place on foreign nations. The Executive Board of the Admiralty, did the best they could with the funds allowed them, in order to carry out the views of the Cabinet. He would next allude to the remark which had been made to the hon. Member for Montrose with regard to the answers given by him before the Finance Committee. The question which had been put to him was, there being no prospect of war, and no pirates on the sea—what would be a sufficient number of ships in the different stations? He had at first answered that, under these circumstances, no ships would be necessary, but he had afterwards said, that one ship in each station would be sufficient under that state of things. It was quite impossible to say what constituted a sufficient force: that question entirely depended upon the politics of each particular period, but he was prepared to say, that it was at all times advisable to maintain a very considerable naval establishment of efficient ships fully manned. He could not, however, agree with what had been said, that this country ought to regulate her force strictly in obedience to the course pursued by France or any rival power. That doctrine might be carried to an absurd extent if it were said, that whenever France sent seven or eight ships of the line for practice into the Mediterranean, that England should immediately send the same number. With respect to the more perfect manning of the ships of war, after what had been stated by the gallant Commodore, that the English frigates would in 1838 have been thrashed if they had happened to meet with French frigates—though perhaps, he did not exactly think that this would have been the case—yet no one would deny that ships ought not to be sent to sea imperfectly manned. He thought that ships ought to be rendered effective in every respect. One ship that could take its own part and support the dignity of the country, was worth two inferior vessels. He had given that advice when he had first gone to the Admiralty, aud he believed that the adoption of it had given general satisfaction. The noble Lord, the Member for London, had talked about sending out only six ships of the line. They were twelve not six; but he would explain to the House that the Government had not as large a force at their disposal as they appeared to have from the vote. It was true that at that time they had had the coast blockade, and that had placed two or three thousand more men at his disposal, and accordingly, when it had been required, he had been enabled to send ships off in three days, but he had not these powers any longer. But he had not as large a force as the vote would lead the House to suppose, for there was a large war fleet in China, and as the vote had passed in April, the number of men in China were reckoned as part of the force at their disposal. This, in reality, was not the case, for the men only came home by degrees, and they were not yet at the service of the Government. At the present moment, however, despite of all that had been said, they had a very respectable force—certainly not so many as he would have liked, but still a very respectable force. He would repeat, however, that it was for the Cabinet to decide what was the exigency of the country with regard to the probabilities of war, and he doubted not that the amount of the force had been properly and wisely regulated upon this consideration. It had been stated by the gallant Commodore opposite, that the *Caledonia* had been sent out, manned by marines; and the gallant Commodore had very strongly objected to this. Now it had been a case of very great emergency, and under these circumstances he considered it perfectly justifiable. Besides he could not regard the marines in the same light as the gallant Commodore. The marines had been trained to the use of great guns, and for that work they were quite as fit as seamen, but, as he had before said, he had sent out a hundred and fifty marines in the *Caledonia* only in a case of pressing emergency. The fact was, that their ships now carried heavier guns, and it was important that they should have men to work them effectively. The Report to the Admiralty had for some time constantly been, that the ships of war were in as satisfactory a state as was required in time of war. Reference also had been made to the number of ships in building, and on this point he could assure the House they had a larger number of effective ships than they ever had—and one very important point was, that they had turned their particular attention to the employment of steamers. Larger engines had been made, and the engines which had been in the largest vessels had been placed in smaller ships, and fresh engines to refit the largest. England had, at the present moment, a larger squadron of steamers than any country in the world, and the

Government intended to take care that, at any rate, in this most important point, she should preserve her superiority. The gallant Commodore opposite, in urging the necessity of a larger force, had insisted upon practice for the officers, and had stated that they were almost all bad lieutenants who came from the Mediterranean. But really the exact opposite of this was the fact, for almost every captain who came home from that sea, pressed upon the Admiralty the claim of his lieutenants for promotion. They were excellent officers, and he believed that the ships were as well sailed as ever they had been. As he had before stated, the ships were in good order, and the force at every station was considerable and respectable. Our force was necessarily more divided than that of any other country. The French might have fifteen sail of the line in the Mediterranean, eight sail of the line at sea, five *en rade*, and three in ordinary, together with a certain number on the stocks; but we had more ready to go to sea, which only wanted men, than they had altogether. Our ships could go to sea as soon as they were manned. He was free to admit, that there was a difficulty in manning them without impressment, but it must also be recollected that officers were now much more particular than they used to be in the selection of the seamen they would receive. He did not fear, however, that in a short time men could be obtained; and he was satisfied that so long as the Cabinet saw that no war was pending with France or any other power, we had ships and men sufficient for any emergency.

Mr. *More O'Ferrall* did not think it surprising, that a right hon. Gentleman, who had been connected with the Board of Trade, should ask such a question as had been now put, or that he should make an inquiry, when 15 or 20 per cent. duties were placed on our manufactures. As to the question of Algiers, he thought that by the manner in which his right hon. Friend had treated this subject, the French people would be satisfied that we could discuss our own affairs without acrimony or irritation. So far as that debate went, it would be extraordinary if they should be told that they could not discuss a question of foreign trade without giving offence to any Foreign Power. There was one point in the Motion of his right hon. Friend, asking for a Return of the present Destination of the Ships, to which objection might be made. That information was not usually given up to the time at which the Motion was made, but there could be no objection to giving the Return of their stations six months ago. Much had been said of the comparison between the present Naval Force and that of 1838. The right hon. Baronet would forgive a reference to his speech on a former occasion, because he adopted the complaints, although the Force then was double what it was now. The right hon. Baronet had particularly observed upon the absence of our Force, when the French fleet was in the Mexican waters, and had declared that there was only one gun brig and an express packet, though others had been despatched and had not arrived. It was for him a sufficient excuse if the ships were not in those waters, provided they had been detained by adverse winds, and by circumstances over which the Admiralty had no control. Now, however, when they wanted to send out ships to the Mediterranean they could only send two, while the *St. Vincent* was at Plymouth, waiting for orders. He was curious to hear the speech of the hon. Baronet, the Chief Naval Lord of the Admiralty, because he believed that he might be said to be at the head of the Admiralty; and he had now sitting at the same Board two Gentlemen who had made grave accusations against the Naval management of their predecessors. There were three main points of objection which suggested themselves to his attention. The first had been alluded to by the gallant Officer, although not in so satisfactory a manner as he thought desirable. That point was the complements of the ships, and it was said that there was a great difference in that respect between the present period and that of the late Board. Now, he admitted, that there had been a change, but there was, he maintained, no real difference, and, if anything, the change was the reverse of beneficial. The gallant Officer would admit that the large ships were those in which principally the fuller complements were most desirable. With respect to the small ships, they were now stowed so full that illness was common among the men; but with respect to the large ships the war complement fixed by the present Board was not so large as that fixed by the late Board. The fairest way to bring this matter to the test was to name some of the ships, the number of guns, and the complements fixed by the present Board and by the last. He would take only two ships as an example: the *Collingwood*, of 80 guns, and the *Rodney*, of 92 guns. It was generally admitted that the number of guns was the rule as to the complement, and yet there were precisely the same number of men in the 92 gun ship as in that of 80 guns. There were 750 men in each; and although there was a difference of twelve guns, there was no difference in the number of men. According to the ordinary computation, the *Rodney* ought to have 91 men more than the *Collingwood*, and, by the regulation of the last Board, her full complement would have been 829 men instead of 750. Her peace establishment would have been 695, whereas she now had 750, and yet she was now said to be fully manned. He stated this fact, because statements had been made with respect to the late Board which were believed by the House and the country, but which were wholly calumnious. There was no better test of the manning of ships than the result; and he would just see what the complement of men was in three great naval actions of the country—St. Vincent, Camperdown, and Trafalgar—he found the average of men in the line-of-battle ships, on those occasions, to be only 563. A great deal had been said by the gallant Commodore of the wretched state of our fleet in the Mediterranean. He would take the third rates in the Mediterranean, and the third rates in the action of Trafalgar, and compare the difference in the average of men—there were 628 in 1840: the average of Lord Nelson's ships of the same class being 598. He did not want to dress up any facts, but merely stated the plain truth. A charge against the late Board of Admiralty was the inefficient state of their Force at home. The right hon. Gentleman, in 1839, said that seven sail-of-the-line was too small a Force. Why, at this moment, there was no flag ship at Sheerness: and in 1838 and 1839, if hon. Members would turn back to the speeches made in that House, they would find it had been openly stated that Sheerness might be burned—that the Admiralty might be awoke from their slumbers by finding a hostile Force on our shores, and every other absurdity that it was possible for a party to give utterance to. He trusted they (the Opposition) would never be guilty of any such exaggeration, and he trusted that no Opposition hereafter would be guilty of such conduct. Not imitating such conduct, he would state now his own conviction, and the conviction he believed of every rational man, that there was no more danger in not having a flag ship there, than there would be for the old Palace of St. James's if the captain's guard were withdrawn. It was pretty nearly the same case. If the Opposition at the time he alluded to found the Navy so reduced, why did they not on their accession to office take immediate measures to restore it? Instead of doing which, upon the first Estimates which they took after they came into office, they reduced the votes of their predecessors in almost every instance. The late Ministry left twenty-six sail-of-the-line at sea, and all the yards in full work. The work in each of the yards was reduced to a system by which the number of shipwrights was regulated according to their work, and they were required to produce work corresponding to their numbers. It had been stated that the present Board of Admiralty had done a great deal for steam. During the three years they had been in office, they could produce fifteen steamers, taking into account what were left by the late Board, and including a frigate which had been converted into a steamer, an experiment which his hon. and gallant Friend condemned. As he had already said, the late Board of Admiralty had been much condemned, but the system was not altered when the present Board came into office; they made alterations only in minor matters, but not in the great leading features of stores, and the number of ships and men. All the great essentials they left unchanged, and merely made alterations in trifling matters which were of no moment, and, if anything, they had done more harm to the Service than good. One thing struck him with but little surprise. It was a rule laid down that inefficient men should not be employed in the Service; but one of the great complaints against the late Government was, that they did not employ their old pensioners, and when the present Government came into office they were consistent enough to employ some of these men—but what was the consequence? There were twenty or thirty men on board the *St. Vincent*, who were receiving compensation and who were also being paid as able men. He owned he was exceedingly anxious that some subject should be introduced which would afford him an opportunity of making these observations. He had not made them in any spirit which might cause unnecessary offence to any Foreign Power—nothing he should so much regret; but, in point of fact, it was not necessary that we should make any boast of our Force, which was well known to every country in Europe. There was no boast which we could make so great and powerful as the plain honest truth; and it was, therefore, with great regret, that he noticed in a Government newspaper a few days ago, an absurd article on the subject, not written, he trusted, by an editor of the public press, and he hoped not by any one connected with the public Service, for anything so absurd he had never read, as if it were necessary to display the Force of the country, by giving a list of vessels which included even hospital ships. The real effective Force of this country was about fifty sail-of-the-line, and he conceived with a force like that, perfectly efficient and ready for service in a short time—that being double the force which any other two countries could produce—that truth was quite sufficient, and it was unnecessary to publish in a newspaper that which every Foreign Power knew to be an idle boast. But his hon. and gallant Friend said, what was the use of ships if we had not men? It was well known to every Board of Admiralty, that the great difficulty was to get men; and yet the *Perseus*, which was moored off the Tower, for raising men, when the late Government were in office, had been got rid of by the present Board of Admiralty. [Sir *E. Cockburn* said, the old vessel was still in the same place.] Then he had been misinformed, and he was glad to find from the statement of the gallant Admiral that it was so. There had been establishments in the port of London called Sailors' Homes, the objects of which were to provide an asylum for unemployed seamen. Such institutions would be very desirable in all our great ports and if not supported by the Government, encouragement should be given to such institutions by the Government, in order that there might be some such establishments in all our ports. It must be borne in mind that every sailor was, by Act of Parliament, liable to impressment; and under such circumstances he had a claim upon the public beyond every other man. A very small expense would afford to British sailors a home when they were on shore; and such institutions as he had referred to, would confer a great benefit on the country itself, by providing the most efficient men for the Naval Service of the country.

Mr. *Sidney Herbert* said, that as an accusation had been made by the noble Lord the Member for the City of London, that the interests of the Navy had been much neglected by the present Administration, he thought he might be excused if he troubled the House with a few words in defence of the Department with which he was connected. As far as regarded the question brought forward practically by the gallant Officer, the Member for Marylebone, as to the inefficient state of our Navy afloat at present, as compared with what it was in 1839, and as the hon. Gentleman who had spoken last had referred to the speech made by his right hon. Friend the First Lord of the Treasury on that occasion, he thought the House would recollect the circumstances to which he was about to advert. The argument urged by the right hon. Baronet was, that if there was a state of anticipated hostility which justified the then Government in having so large a fleet in the Mediterranean, they ought also to have a strong force at home. Such an argument, however, would not apply now. In 1839 there was a movement on the part of the naval force of a foreign power. Immediately after that there was the commencement of those difficulties which produced ultimately the Syrian war, and soon after that, there were the hostilities with China; there was also a difficult question pending between our Government and that of the United States. At that time our ships were deplorably under manned, they had not even their peace complement and the seamen having one-third more labour to perform than they ought to have had, were discontented and unwilling to enter. It was said that the same state of discontent which the circumstance he had alluded to caused at that time, existed now, and that in consequence of it they had not been able to man the *Collingwood*. So far from that being true, Captain Eden of the *Collingwood*, had selected his men, and had got so excellent a crew, that he did not know that he could reject any man to take a better, and it was positively a favour to get nominated to his ship. The gallant Commodore asked what they had been doing in the way of building for the last three years? Why, after they came into office it took two years to render efficient thirty sail of the line, yet the building new ships had not been neglected and a great addition to our steam navy has been made. The gallant Commodore had also referred to ships being manned by marines and disabled men from the Ordinary. The employment of marines had already been defended under urgent circumstances. He would only add that the men taken from the Ordinary were not disabled men. There were in Ordinary effective and vigorous crews of men, about 150 of whom had been taken, leaving still an effective force. The flag ships had under the late Government, 200 men, but they were now manned as third rates, and could go out to sea for exercise. They found the Navy in an inefficient state—the ships were under-manned, since then the complements throughout the service had been generally increased, which had given perfect satisfaction in the Navy. The steam power had been doubled—they had taken every year larger sums for this purpose; the vote of 120,000*l.* in 1839 had been now increased to nearly 200,000*l.* and they were, in fact, adding between 5,000 and 6,000 horse power annually to the steam force of the Navy. As to the reference which had been made to their having 10,000*l.* over, it was true that at the end of the year, when all the machinery had been paid for, they had that sum over, and having found the dockyards unprovided with protection against fire, they had spent that sum in laying down water pipes, and making other necessary provisions. An observation had been made on the employment of pensioners by the hon. Gentleman, but no pensioner was taken who was unfit for service. The captain had the power of taking them, but not of taking any man unfit for service. Notwithstanding what had been said of the inefficient state of the Navy, it had been truly observed by the hon. Gentleman opposite that there were thirty ships of the line in an efficient state which could be got ready at a moment's notice and every day is adding to the efficiency both of ships and men.

Captain *Pechell* said, that he agreed with the hon. Member for Kildare, that the present Board of Admiralty did not act on any principle—they filled their vessels without reference to the guns, and in some ships had a parcel of men they could not find room for. And then they took credit for sending out the *Caledonia* to Tangiers. Would not the Prince de Joinville ask their marines when they arrived, if they were not sea sick? The marines were able and willing men when a ship contained a sufficient number of seamen, but the gallant Admiral knew that it was quite a different thing to have a ship filled with marines instead of having a proper complement of sailors. He thought the Admiralty had not sufficiently tested the merits of some of those vessels that had been built and altered on experimental principles. He was glad to hear the gallant Admiral state that there was no want of good Lieutenants, and that the Captains of ships who had returned from foreign stations, had recommended their officers for promotion. Would the gallant Admiral say whether he attended to these recommendations or not? He hoped he had.

Viscount *Palmerston*: Whatever opinions hon. Gentlemen may entertain, one way or other, on the state of our Naval Service, I think we are all indebted to my right hon. Friend for bringing this matter under discussion. My noble Friend the Member for London has said, that the right hon. Baronet was exceedingly dexterous in fighting with shadows, but in the remarks made by the right hon. Gentleman to-night, he has proved his capability of grappling, not with a shadow, but a shadow of a shade. The right hon. Gentleman asks, are Motions to be made calling in question the right of France to the conquest of Algiers. There may as well be a motion in the French Chamber demanding our right to the conquest of Hong Kong. Now, as to the first case, the record of the negotiation has been laid before Parliament. And I hold it perfectly competent to any Member to inquire, not what the conduct of France but of England has been on the occasion which led to the conquest of Algiers. No such ground of inquiry exists as to Hong Kong. We went into war with China on grounds of our own, and with respect to which no negotiation took place with any other country. My right hon. Friend has been found fault with by some for starting some delicate questions in connection with this discussion; and it has been said, considering the state of things which exist in France, and that there is a party there, which as the hon. Member for Leamington has alleged, is anxious for war with England, and capable of overpowering the Government of France, it is very inexpedient to discuss our foreign interests in this House, or to inquire into the naval defence which may be sufficient on any possible emergency. Now, I beg leave to say, that I utterly deny the force of that argument; and if there be any foundation for the facts alleged, they should lead to an exactly opposite conclusion. If any think—which I doubt—that in France there is any party likely to overpower the Government, so far from that being a reason why we should be tongue-tied in this House on the subject of our naval defence, that is the very reason why we should look about us with additional vigilance, and be more than ever careful to meet an emergency which may arise in spite of the most friendly disposition on the part of the two Governments in their diplomatic discussions. But, I say, we should be guided in our deliberations by no such circumstances. I think this House should not be debarred from watching over the local interests of the empire, whether they turn on our commercial regulations, or on our naval and military defence, by any considerations arising from the position of persons or parties in foreign countries. I hope we shall always abstain from unnecessarily wounding the feelings of any country—from unnecessarily raising discussions that will produce irritation anywhere; but the consideration of our own interest must be paramount with an English House of Commons, and I hold we should not be precluded from canvassing the conduct of Government with reference to those interests, and the means of our defence, by considering how far such a course may tally with the views of this or that Government or party in another country. I think, therefore, my right hon. Friend's course was perfectly legitimate. The right hon. Baronet chose to assume that my right hon. Friend argued that the present or the preceding Government should have called on France to evacuate Algiers. He used no such argument. His course of argument was this—that looking ro the record of the negotiation in 1830, previous to the sailing of the expedition to Algiers, and the conquest of that country, it was plain the Government of that day had not properly performed their duty of getting the requisite security and engagements from the Government of France; and seeing that the same persons were in power, and that on their own admission, questions of great interest were pending between the two countries as to the affairs of Morocco, it was fair to infer, from what passed on a former occasion, that we could not place sufficient confidence in the energy and vigilance of those who were now conducting our negotiations. I think that argument perfectly fair, and if any body will take the trouble of reading those Papers which were laid before Parliament in 1839 as to the negotiations carried on respecting Algiers, it will be seen the British Government failed utterly in extracting from the Government of France these engagements which they thought it important to obtain, and which they endeavoured from first to last to obtain. Government began by stating that they thought they had a right to obtain a formal and official engagement from France, that in the event of the overthrow of the Regency, France should not make any further territorial acquisitions. The explanation and assurances to this effect were given verbally. The Government, well knowing that verbal assurances go for nothing, and that they are binding on no one, but the man who makes them, pressed the Government of France for some written declaration. The Government of France, in a despatch to the Duc de Laval, said, that in the event of success, their views were perfectly disinterested, and that they would concert with their Allies as to the arrangements to be made respecting the Regency. The British Government said that was insufficient, that they should neglect their duty if they accepted an explanation so vague and general; that they had a duty to perform from which they should not shrink, and which, if they failed in performing, the people of this country would express their decided condemnation of their conduct. In reply, the French Government talked of more positive assurances; said they were ready to enter upon a convention; and that they should not previously take possession of the town or Regency of Algiers. But when pressed to give assurances in writing they evaded and declined to do so; and the very last despatch of the French Ambassador at the moment the expedition was sailing was, exactly the same as that which the Government had previously declared, insufficient and vague, observing that in the event of success, their views were perfectly disinterested, and that they would concert with their Allies the final arrangement as to Algiers. But they soon placed the matter beyond the possibility of a doubt, for they announced that the French

Government was unfettered by any engagement; that they were free to accept any advice they pleased with regard to any arrangements they might make as to the ulterior settlement of the country. And what did our Ambassador at Paris when the French obtained possession of Algiers? He congratulated Prince Polignac on the victory which had been obtained, and he expressed a hope that now that the French had succeeded they would not depart from the engagements they had entered into. Was that the language of an Ambassador representing a Government that had obtained distinct engagements from France? Would he not have said, if he had obtained such assurances: "You are bound by such and such engagements, and the interests of England will not allow of your departing from them?" And what was the answer of Prince Polignac? He assured our Ambassador that the Government of France had no inclination to depart from her promises! Such was, surely, not the way in which one party or the other would have talked of a settled engagement which had been entered into by both Governments. I say, then, that the Government of that day, actuated by a desire to keep in office the Ministry of Polignac, permitted an expedition to sail and succeed without obtaining those engagements which it is plain they considered it their duty to enforce. Well, my right hon. Friend says, "You might have seen from the state of things in France that it was such as to have rendered more than usual caution necessary on the part of your then Government." The Revolution in July was foreseen by everybody but those who were its victims. I know very well from my own experience, that not a man you met in the streets of Paris in July, but anticipated some stroke of despotic authority: that it would be resisted: that the Sovereign would have to quit the country, and that the Duke of Orleans would be selected as King. But neither then nor for the four months that followed the change, was any definite arrangement obtained from the French Government. Was it for us in November, 1830, to take up anew a question thus left us? Considering the immediate and practical interests then at stake in Europe, I do not think it would be wise or consistent with the welfare of this country if we required France to evacuate a country which she conquered. Every man must see what a difference there is between exacting conditions previous to the sending of an expedition, and requiring a great and vain people to abandon a conquest made at the expense of much money and blood, which the nation began to be proud of, and to fancy would be attended with great advantage to themselves. But the right hon. Baronet does not impute any blame to us for allowing that question to remain as it was, and it is therefore unnecessary for me to defend myself and Colleagues further on that point. As to Morocco, I quite understand the feeling of the right hon. Baronet, that in his position a casual expression may do some injury to the public interests; and I, therefore, abstain from entering in any way on that discussion. The question is, however, one of great importance; and when my right hon. Friend instanced the increase of Customs Duties that had taken place in Algiers, he did not mean to say it ought to have been prevented by the present Government any more than it was in our power to prevent the small increase that took place in our time; but his argument was, that in consequence of the occupation of the country by another power it was subjected to a different system of commercial regulation, from that which would have existed if an engagement such as we sought had been insisted on. Much has been said with respect to the Navy, which amounts to this, that whereas Gentlemen opposite used perpetually to taunt us with neglecting the public interest, while we had twenty-one sail of the line, and when no great question was pending (for that of Syria arose afterwards), and whereas questions are now pending, on their own showing, of a grave and serious nature, that might by possibility lead to the most unpleasant results, they have but nine sail of the line, of which three are in distant countries, leaving but six available for home service, having declared that there should be kept at least seven sail of the line as a squadron of reserve on the coast of England. I say, then, they have not carried out those principles of national protection so loudly and constantly urged by them in opposition. The senior Lord of the Admiralty has said, that a great part of our force is now in China, and that is a reason why our fleet is not so available as the number of men voted would lead us to anticipate. I admit the explanation of the fact, but I do not think the reason for its existence sufficient. If the Government knew that a large proportion of their naval force would be occupied in so remote a part of the globe, they ought for this year, or for a certain period, to have proposed an augmentation in proportion to the deficiency. "But," say the Government, "though we have not so many ships as our predecessors, those ships are more full of men." I have been told the ships are so full of men that they cannot find room to stow them. I will admit for the sake of argument, that the late Board of Admiralty had too few men; I do not admit it as an opinion, but I suppose it were so for the sake of argument—a certain number of ships were necessary—hon. Gentlemen opposite had urged over and over again, that we ought to have a permanent peace establishment, with a view to the protection of our own shores; that we ought to have a certain number of ships. Then it is no answer to tell me that "to be sure we have fewer ships, but each ship has a certain number of men." If hon. Gentlemen opposite thought our ships not too many, but too slightly manned, they ought to have voted more men to make up their complement. I therefore think that the Government has entirely failed in making any defence whatever for the low state of the naval force. If the late Government had left a deficient force the present Government might have said, "It is difficult to get up a force allowed to fall too low," and that "time is requisite, and difficulties are in the way." But the late Government left the present Government a force more than they wanted—a force larger than the late Government themselves would have proposed for a permanent peace establishment, because it was connected with the peculiar affairs then existing. The present Government can have no excuse in going below the amount of ships which they themselves maintained to be the proper naval establishment for this country. Whatever may be the feelings of his hon. Friend the Member for Montrose on this subject, I feel myself entitled to say that an efficient naval force in this country is the best economy for England. Let them do as they will, and act as they please indifferent to things going on abroad—let them condemn as they would what they called a "meddling policy," and allow foreign nations to do what they pleased, still things will come upon us from time to time which will render it necessary for the interests of the country to be able to resist a sudden attack. I should like to know, if in any other country there is a party ready to make war with England, is that party more likely to make war when it finds us provided with the means of attack, or so weak as to invite insult? The true policy therefore, of the British Government ought always to be to maintain a respectable and efficient naval force, even when the Government did not perceive any event likely to happen calculated to bring that force into action. I trust that what has passed this evening, and the observations which has been made on former occasions, will lead the Government to take a somewhat different view of these matters, and that we shall in future have a naval force more consonant with what has been deemed by high authorities the proper peace establishment of the country, enabling the Government to hold that language and to maintain that position which becomes the Government of England. Such an establishment is no defiance to any country in the world; it can be looked on by no party in any country as any indication of any disposition to quarrel with any other country; it is simply a protective system of policy, and equally the duty of the Government to pursue it, and equally conducive of good relations and of peaceful understandings with other countries of Europe. Whether my right hon. Friend will press his Motion to a division or not, his object will be obtained by the discussion which has taken place; but I must protest against the least imputation being cast on my right hon. Friend, that he wishes to hazard the peace of this country with other nations, or interrupt the best understanding between this Government and France.

Original Motion agreed to. Order for Committee read.

On the question that the Speaker do now leave the Chair,

THE FINE ARTS.] Mr. *Hume* said, he had been anxious to bring under the notice of the House the state of the Fine Arts in this country. In no country in the world had artists been treated as they had been in this country—in no country had rising genius received less protection than in England; and he attributed this entirely to the manner in which the Royal Academy had been pre-eminently favoured by Royal patronage. He wished to know what funds were at the disposal of this favoured society, as no other patronage was given to the other artists in the country. But the right hon. Baronet had refused that Return. He was anxious to see the artists have a building of their own, removed from the depository of the works of art, as the present building was not fire-proof. The patronage of the Crown had been so used as to be a damper on rising genius. The cartoon exhibitions had been of more avail in developing the talent of the country than all the proceedings of the Royal Academicians. He thought, too, that they acted most unjustifiably in excluding the public from free access to the exhibition, and he should be glad to learn what was the opinion of the House as to the propriety of enlarging the basis of the institution. He moved—

"That an humble Address be presented to Her Majesty, That, as Patroness and Comptroller of the Royal Academy of Arts, She will be graciously pleased to take into consideration the Laws and Regulations of that Institution, with a view of rendering it more conducive to the advancement of the Fine Arts, better suited to the spirit and circumstances of the present age, and more consonant with the original intention of its Royal Founder, George III."

Sir *R. Peel* expressed his regret that the hon. Gentleman had not had an opportunity of pressing the question at an earlier period of the Session, in order that he (Sir R. Peel) might have seized the occasion of acknowledging the gratitude due to the Institution on account of the great benefit which it had conferred upon the arts. What was the presumed departure from the original intention of George III.? The exhibition was freely open to all artists—its funds were applied solely to the promotion and support of art; and he did say, that it was to the Royal Academy, and not to Parliament, that the merit was due of founding in this country a National School of Art. All that the Royal Academy received from the public favour was the use of the apartments in Trafalgar-square. The public gave nothing towards the payment of professors of painting, anatomy, and architecture. All this was provided for by the Royal Academicians. That body, too, supported, and liberally supported, from its funds, decayed members of the profession when in the decline of life, little or no public sympathy was shown, and in many cases it also made provision for their widows. When he considered the names which had adorned the Royal Academy, he could not hesitate to say, that he found in them the strongest proof of the success of the Institution. What great masters had it not numbered amongst its members? No doubt some had been disappointed of attaining its highest honours; no doubt many were unable to exhibit within its walls; but this arose rather from a limited space, than from any want of liberality amongst the Royal Academicians. Did they come down to that House to ask the public for large sums of money to defray their expenses? Why, even the solitary dinner which was given once a year to bring together in friendly communion the patrons and the professors of art—even the cost of the solitary dinner, to which no doubt the hon. Gentleman would object, was defrayed by the professors. As for artists themselves, speaking of them as a body, he was bound to say, that in the course of a life in which he had been brought into frequent communication with them, he had ever looked upon them as men of honour and as Gentlemen who shed a lustre upon the British character. He hoped the House would not concur in the assault thus made upon them by the hon. Gentleman. If there were any artists prompted by motives of disappointment to find fault with the management of the Royal Academy, why they could take their revenge by exhibiting elsewhere; but as far as Parliament was concerned, he trusted that by resisting this Motion they would show that they deprecated this annual interference, and that they were disposed to permit the Royal Academy to pursue the even and honourable tenor of its way.

Lord *J. Russell* said, that if a large sum was to be voted for the purposes of the Royal Academy he could have conceived that the hon. Member might fairly have made these remarks, and even then there could scarcely have been a better reply to them than that the management of the Royal Academy now afforded. As far as he could see, that Institution was conducted in no grudging or envious spirit towards artists; no talent was ever kept in the back ground, no proper advantage appeared to him to be in any way denied it. He thought there were no grounds for the Motion, and he strongly advised the hon. Member not to persist in it.

Viscount *Palmerston* said, that as far as he could judge, there was no country in Europe in which was provided such a school for art at so small a cost to the Government, nor did he believe that there was any Government which contributed so little to the encouragement of art. There was only one point upon which he rose to offer a suggestion. Every one who had visited the exhibition now to be seen in Westminster-hall must have been struck with the superior character of the sculpture, and every one who visited the exhibition in Trafalgar-square must have been struck with the inadequacy of the space allotted to that display of works in that branch of the art, and with the utter impossibility of ever exhibiting in the little room allotted to sculpture, such works as were now to be seen in Westminster-hall. He hoped the inefficiency of this room for the purpose for which it was designed might receive consideration either from the Government or the Royal Academicians.

Mr. *Hume* replied: he said he might have adduced many other arguments had he pleased, and, he remarked, with regard to the free admission of the public to the Royal Academy, that up to the twelfth exhibition no money had been taken at the doors.

Sir *R. Peel* said, he could explain that circumstance. Up to the twelfth exhibition of the Royal Academy the Academicians received from King George III., the liberal annual grant of 5,000*l.* a year out of his Majesty's private purse. The Royal Academy very properly declined, after the Academy was once established, to receive a continuance of this donation, and in order to enable them to carry out their design the very moderate charge which was now made was first imposed.

Amendment negatived.

House in Committee of Supply.

On the question that the sum of 8,000*l.* be granted to defray the cost of completing the Nelson Monument, in Trafalgar square.

Mr. *Wyse* begged to know whether the Government had not received an offer from an artist of the name of Park, to complete the monument at his own expense, if he were suffered to undertake and finish it in conformity with his own taste and judgment.

Sir *R. Peel* said, it was true that the Government had received such an offer, but had not thought proper to accept it, as a monument like that erected to Nelson ought to be the subject of competition to artists, and it would be establishing a bad principle if such a proposition as that referred to by the hon. Member were to be accepted. The best way was for the Government to pay the expense attendant on completing the monument upon such a plan as might be deemed proper, and not to accept the money of private individuals in such a matter.

Mr. *Wyse* did not disapprove the conduct of the Government in this matter, but thought the present occasion was the fittest opportunity for bringing the offer that had been made to the notice of the House.

Mr. *H. G. Knight* said, that before this vote was granted he must inquire whether it was intended that the granite steps and lions, which were to serve as a base to the column in Trafalgar Square, should be executed on the same scale on which they were originally designed? Because it was very well known that the column (in his opinion most unfortunately) had been made twenty feet shorter than was intended by the architect, and, consequently, if the base were now to be made on the same scale on which it was originally designed, it must of necessity be disproportional to the column as it was, and give it even a less satisfactory appearance than it had at present. He could not be supposed to wish to stand in the way of any mark of respect to the immortal Nelson. It was because he wished to see Nelson honoured as he ought to be, that he regretted to behold such a testimonial as the one now erected in Trafalgar Square — a truncated column with a statue at the top of it, which, instead of resembling a hero, resembled nothing but a figure of fun. Before that testimonial was commenced, he had done his utmost to prevent such a column from being placed in such a situation; and now that the work was finished he had the melancholy satisfaction of finding himself justified by the opinions of all those whose opinions were worth having—the opinions of all men who had eyes to see. The Nelson Testimonial, as it had been executed, was another architectural disgrace to this metropolis—not only a disgrace in itself, but it was most injurious to every thing in its vicinity, and did as much harm as possible to the finest situation in the world; that magnificent square which had been obtained at so vast a public expence. He had hoped that that square would have been made a sort of British forum, decorated with statues in bronze of our great Naval and Military heroes—but that unsightly column would now reduce everything in its neighbourhood to insignificance. There appeared to be a curse on the architecture of London. Vast sums were expended, and nothing satisfactory was produced. What a congregation of bad taste did that one spot exhibit with the National Gallery behind, and the Nelson Testimonial in front—such a column capt with such a statue, in such a cocked hat! His only consolation was, that Frenchmen, as he had been told, when they came to London, mistook the statue for that of Napoleon, and he had been credibly informed that this imaginary generosity on the part of the British nation had considerably allayed the irritation against this country which had recently prevailed in France. He was aware that, as the testimonial was erected, such it must now remain. He only hoped that it would not be rendered more unsightly than it was by receiving the addition of a disproportionate base.

Sir *R. Peel* begged to assure the hon. Member that the size of the lions should be an open question.

Mr. *B. Cochrane* observed that he had seen it stated in one of the papers that the Emperor of Russia had bestowed 500*l.* towards the completion of the Nelson Monument, and that this sum had been accepted. He considered that if this statement was true, the fact was extremely disgraceful to this country, for a national monument ought to be paid for by the people alone, and not to be the result of foreign assistance. As the Government had now taken charge of the structure he begged to express his entire satisfaction with this proceeding; but he thought that if this had been done before the length of the shaft had been reduced twenty feet in consequence of the falling-off of the funds, it would have been much better. Would it be disputed that the monument was twenty feet shorter than it was intended to be, and that this was occasioned by the inadequacy of the sum subscribed to erect it. Why, there was still a sum of 12,000*l.* required to finish the pedestal, and how therefore would it be denied that the sum required for the shaft, as originally designed, had not been inadequate for that purpose? The whole progress of this and of many other public buildings proved to him the necessity that existed in this country for creating a Minister of Public Works, whose attention would be directed to objects of this nature, and which were of such vast importance.

Sir *R. Peel* said, the House should bear in mind that this design of a monument to Lord Nelson was originally a private affair. It was proposed to erect a monument to Lord Nelson exactly in the way in which two memorials of the Duke of Wellington were about to be erected, one in the east and the other in the west part of the town, not by Government, but by private subscription. He could not help thinking that memorials in honour of a great general must be more acceptable to his feelings when erected by the spontaneous offerings of his fellow subjects, than if erected by a vote of Parliament. In like manner it was determined to erect a monument to Lord Nelson, and the design of the monument originated entirely with individuals. A sum of 20,000*l.* had been subscribed, but the Committee of Management had expected that a considerably larger sum would have been raised. In the progress of the proceedings connected with this monument the Committee thought it desirable to take the opinion of an architect and engineer as to its height, and the parties consulted, Sir R. Smirke and Mr. Walker, considering the height of the fluted Corinthian column, which was also to have a bronze capital and statue on the top, declined to answer for its safety, strongly advising that the shaft should be curtailed by twenty feet. The curtailment was injurious to the effect, but it arose entirely from considerations of public safety, as it was thought that it would be extremely inconvenient should the monument fall in that crowded part of the metropolis where it was now erected. This consideration alone, and not one of expense, led to the curtailment of the monument. When the Emperor of Russia gave 500*l.* towards the completion of the monument, the Government had not the charge of the monument, and the Committee accepted the gift, which was not given towards the expense of a public monument erected by public money, but in aid of private subscriptions already collected, the Emperor of Russia being willing to mark his sense of Lord Nelson's merit, and show his gratitude for the courteous reception he had experienced in this country, by this subscription of 500*l.* With the same feelings the Emperor subscribed towards the Wellington Monument. Though the Government had now the charge of the Nelson

Monument, he hoped the hon. Member would not advise the Government to return the subscription of the Emperor of Russia, which was presented before the monument came under the charge of the public, and when it was to have been raised by private subscriptions.

Vote agreed to.

Several other Votes agreed to. The House resumed.

LAND TAX COMMISSIONERS — THE CLERGY.] The Land Tax Commissioners' Names Bill having been read a third time,

Lord *Worsley* said, that out of the seventeen names put in as Commissioners for Lincolnshire division of Horncastle and Hill, there were twelve clergymen, of whom only four were connected with the district by property, and he had given notice of a Motion to expunge the eight who were not connected by property with the division. He was one of those who thought it was not advisable that these sort of duties should be performed at all by clergymen, and at any rate he was of opinion that persons should not be put on the list merely because they had a living or a curacy in the district. It might be asked what the duties of the appointment were? They were very analogous to those of Justices of the Peace, and the consequence was, that they would have to perform duties of an unpleasant nature with respect to those amongst whom they laboured. He found amongst their duties that they were to appoint assessors for the tax upon mines and lands, and where payment was not made to levy it by warrants of distress. He asked, then, whether it were proper that clergymen who had no property in the district, and only connected with it by their livings, should perform these duties? He had sent to the Clerk of the Commissioners eight other names of persons connected with the district by property, and duly qualified to act as Commissioners, and had asked whether there were any objection to them? To which the only answer he received was, that the Commissioners saw no reason why the names should not be retained. The names he had sent in had been inserted, but the other eight had been left in, and he now moved that they be expunged. If he were opposed he could only come to the conclusion that the Government believed that the clergy were proper persons to discharge these duties. The names were the Rev. George Thackeray Hemingly, the Rev. Edwards Walter, the Rev. Charles Terrott, the Rev. J. Fawssett, the Rev. J. Pickford, the Rev. G. Price, the Rev. J. T. Maine, and the Rev. H. Fielding.

Sir *George Clerh* said, that the course proposed by the noble Lord was very unusual. The noble Lord was required by the Order of the House to send in the names of persons duly qualified; objecting to the names of these clergymen he had omitted them; but the noble Lord's Colleague, who had an equal right to send in a list, had included them, and they ought to be returned. If not duly qualified they could not act. He saw no reason why the gentlemen nominated and the colleague of the noble Lord should not act as they were qualified to do, and he hoped that in the absence of that hon. Gentleman the House would not take so unusual a course as to exclude those names.

The House divided on the question that the name of the Rev. George Thackeray Hemingly stand part of the Bill:—Ayes 34; Noes 13; Majority 21.

List of the AYES.

Ackers, J.
Acland, Sir T. D.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Boldero, H. G.
Borthwick, P.
Buckley, E.
Clerk, Sir G.
Colvile, C. R.
Cripps, W.
Dickinson, F. H.
Eliot, Lord
Entwistle, W.
Forbes, W.
Fremantle, rt.hn.SirT.
Fuller, A. E.
Gladstone, rt.hn.W.E.
Goulburn, rt. hn. H.
Graham, rt. hn. J. Sir
Greene, T.
Herbert, hon. S.
Hussey, T.
Jermyn, Earl
Knight, H. G.
Lincoln, Earl of
Masterman, J.
Nicholl, rt. hon. J.
Pringle, A.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.

TELLERS.

Young, J.
Lennox, Lord A.

List of the NOES.

Brotherton, J.
Gibson, T. M.
Hawes, B.
Morris, D.
O'Connell, M. J.
Pechell, Capt.
Philips, M.
Rawdon, Col.
Talbot, C. R. M.
Wakley, T.
Wawn, J. T.
Williams, W.
Wyse, T.

TELLERS.

Worsley, Lord
Hume, J.

Bill passed.

Mr. *Brotherton* moved the adjournment of the House.

Mr. *Barneby* hoped that the hon. Gentleman would not press his Motion, but would allow him to make the Motion of which he had given notice.

Sir *G. Clerk* hoped the hon. Member would not persist, as the Motion of his hon. Friend was only a matter of form.

Mr. *Brotherton*: Oh yes, I know all about it. I shall persist.

The House divided: Ayes 6; Noes 33: Majority 27.

List of the AYES.

Colvile, C. R.
Gibson, T. M.
Morris, D.
O'Connell, M. J.
Pechell, Capt.
Wakley, T.

TELLERS.
Brotherton, J.
Wawn, J. T.

List of the NOES.

Ackers, J.
Acland, Sir T. D.
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Clerk, Sir G.
Cripps, W.
Dickinson, F. H.
Eliot, Lord
Entwisle, W.
Forbes, W.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greene, T.
Hawes, B.
Herbert, hon. S.
Hussey, T.
Jermyn, Earl
Knight, H. G.
Lincoln, Earl of
Masterman, J.
Pringle, A.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Worsley, Lord

TELLERS.
Young, J.
Lennox, Lord A.

GILBERT'S UNIONS' COMMITTEE.] Mr. *Barneby* moved that three be the quorum of the Gilbert's Unions' Committee.

Captain *Pechell* considered the Motion wholly unprecedented. The hon. Mover, who was Chairman of the Gilberts' Incorporation Committee, had stated no ground whatever for the proposal he had made; and the very proposition itself showed that the inquiry ought to be given up for the present Session. He had been most regular in his attendance, and was most desirous to afford every information in his power; but very important interests were at stake; strong accusations were made against the Poor Law Commissioners; and the inquiry had only finished with reference to the southern districts. Yorkshire and the midland counties, the most important of all, had yet to be inquired into, and now the chairman came down to the House with a proposal to reduce the quorum to three. This amounted, first of all, to a reflection on the Members of the Committee; the proceeding itself was altogether irregular, especially unfair to the minority of the Committee, and must prove to the public that the result ought not to be considered satisfactory. He should resolutely oppose the Motion.

Mr. *Wakley* hoped if there was other formal business to be gone through, the hon. Member would withdraw this Motion. If the Resolution was carried, no report whatever could be made this Session.

Sir *J. Graham* had no objection to the withdrawal of the Motion, provided the hon. and gallant Member for Brighton engaged not to withdraw from the Committee for the purpose of reducing the quorum of five. He understood there had been some threat of that sort held out for the purpose of impeding the progress of this Committee.

Mr. *Wakley* begged to say. he had never withdrawn from the Committee for the purpose of reducing the numbers, nor had he ever heard of any Member having done so; that it was impossible Members of that Committee could do their duty and also attend the early sittings of that House when the Poor Law Amendment Bill was to be discussed. The proper way would be to abandon the inquiry for the present, and resume it next Session.

Sir *J. Graham*, at all events, hoped they would have the benefit of the evidence that had been taken.

Mr. *Colvile* felt that insinuations had been thrown out that ought to be retracted. On more than one occasion he had been anxious to divide the Committee, but he had declined to do so because there was not a quorum. The whole conduct pursued in that Committee was so bad that he was compelled to complain of it. It was quite impossible that the result of the inquiry could be satisfactory to the public. However, on condition that this proposition was withdrawn, he should postpone his Motion till to-morrow, (this day.)

Motion withdrawn.

House adjourned at a quarter to two o'clock.

HOUSE OF LORDS,

Tuesday, July 23, 1844.

MINUTES.] BILLS. *Public.*—1ª. Municipal Corporations; Land Tax Commissioners Names.

Reported. — Loan Societies; Western Australia; Parish Constables; Soap Allowances; Unlawful Oaths (Ireland); Sudbury Disfranchisement.

3ª· and passed:—Colonial Postage; Assessed Taxes Composition, etc.; Detatched Parts of Counties.

Private.—3ª· and passsed:—Bowyer's Estate.

PETITIONS PRESENTED. By Earl of Radnor, from Old Killpatrick, and several other places, against Dissenters Chapels Bill.—From Orkney, and numerous other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Aberdeen, for Abolition of Religious Tests in Scotch Universities.

HOUSE OF COMMONS,

Tuesday, July 23, 1844.

MINUTES.] BILLS. *Public.*—1°· Charitable Donations and Bequests (Ireland); Art Unions; Spirits (Ireland); Militia Pay.

2°· Three-and-a-Half per Cents. Dissentients; Transfer of Licenses.

Reported. —Joint Stock Banks Regulation; Joint Stock Companies Registration and Regulation; Railways; Grand Jury Presentments (Dublin); Clerk of the Crown in Chancery; Marriages.

3°· and passed:—Church Endowment.

Private.—1°· Lord Le Despencer's Estate; Bowyer's Estate.

2°· Leeds Vicarage.

PETITIONS PRESENTED. By Viscount Ebrington, from Barnstaple and Southmolton Turnpike Trusts, against Exempting Mail Coaches from Tolls.—By Mr. Bannerman, from Aberdeen, for accelerating Mails to Scotland.

TREATMENT OF LUNATICS.] Lord *Ashley* in rising to bring forward the Motion of which he had given notice, for an Address to the Crown, praying Her Majesty to take into her consideration the Report of the Metropolitan Commissioners in Lunacy to the Lord Chancellor, presented to the House by command of Her Majesty, said it would be necessary for him shortly to explain the reasons which actuated him. First, the nature of the subject and the protraction of inquiry had inevitably delayed the production of the Report to this period of the Session. Secondly, the statute under which the Commissioners acted would expire in the next Session, and it would be necessary to call upon the House to consider in what form and to what extent power should be confided to any administrative body for the government of lunatics throughout the Kingdom. It was desirable, therefore, that the country should not be taken by surprise, but that these weighty matters should be maturely considered during the approaching recess. He had been unwilling to bring forward this subject at all, but his colleagues in the Commission had thought that the novelty of the subject, the great expenses incurred and the vast numbers who were subject to this jurisdiction, would justify him in calling the attention of the House to it. Though the Report embraced a variety of matters, those with which he had to deal were limited to the civil and external government of lunacy; it was the duty of the House to prescribe the conditions under which a man should be deprived of his liberty, and also those under which he might be released; it was their duty to take care that for those who required restraint there should be provided kind and competent keepers, and that, while the patient received no injury, the public should be protected. Insane patients were lodged either in single houses, in public or county asylums, or in private asylums where paupers were received. With respect to the first class there were no Returns, the Commissioners were precluded by the statute from any interference in such circumstances, and he must take the opportunity of saying that he thought this a most unfortunate enactment, not that he wished to claim for the Board the invidious and burthensome power of examining and censuring the neglect of private families, but because he believed that a power of this kind ought to be confided to some hands that would hunt out and expose the many horrible abuses that at present prevailed. No doubt there were many worthy exceptions, but the House had no notion of the abominations that prevailed in those asylums. It was the concession of absolute secret and irresponsible power to the relatives of lunatics and the keepers of the asylums, and exposing them to temptations which he believed human nature was too weak to resist. There were many patients in these single houses for whom were paid not less than 500*l.* per annum. This was a temptation to keep such a patient in perpetual confinement, because with the returning health of the sufferer the allowance would be discontinued. So strong was his opinion of the bad effect of this, that if Providence should afflict any near relative of his with insanity, he would consign him to an asylum in which there were other patients, and which was subjected to official visitation. The only control they had over the single houses was this—that if a patient resided in one more than a twelvemonth, the owner of the house was compelled to communicate under seal the name of that patient to the Clerk of the Commission. But for the most part no notice whatever was taken of this law, and it was frequently evaded by removing the patient, after a residence of eleven months, to some other lodging. He knew the delicacy of the subject, but it was one with which the Legislature ought to interfere. The second class of houses was the county asylums. The total number of lunatics and idiots chargeable to unions and parishes on the 1st of January, 1844, was 16,821; in England, 15,601; in Wales, 1,220. In county asylums there was provision for no more than 4,155 persons, leaving more than 12,000, of whom there were in asylums under local acts 89, in Bethlehem and St. Luke's 121, in other public asylums 343, while others were disposed of otherwise, leaving in workhouses and elsewhere 9,339. Although a few of the existing county asylums were well adapted to their purpose, and a very large proportion of them were extremely well conducted, yet some were quite unfit for the reception of insane persons. Some were placed in ineligible sites, and others were deficient in the necessary means of providing out-door employment for their paupers. Some also were ill-contrived and defective in their internal construction and accommodation. Some afforded every advantage of science and medical treatment; others were wholly deficient in these points. All of them, however, had the advantage of constant supervision, and of not giving any profit to the superintendents, so that it was not necessary that the keeper should stint and spare his patients in the articles necessary for the curative process, with the view of realising a profit. Some of the country asylums were stated in the Report to be admirably managed. It might be invidious to specify, but he would mention those of Wakefield, Hanwell, Lincoln, Lancaster, and Gloucester. Why, then, were not these institutions multiplied? At this moment there were twenty-one counties in England and Wales without any asylum whatever, public or private. The expense was one cause; in some cases the cost of construction had been exceedingly great; the asylum most cheaply constructed was that of Wakefield, of which the average cost per head was 111*l.*; while the highest priced was that of Gloucester, which had cost, on the first accommodation, 357*l.* per head. In many cases, the cost of construction had exceeded 200*l.* per head. The cost of the Bedford asylum, for 180 patients, was 20,500*l.*; that of the Gloucester, for 261 patients, 51,366*l.*; that of the Kent, for 300 patients, was 64,056*l.*; that of Hanwell, for 1,000 patients, was 160,000*l.*, exclusive of 36,000*l.* paid since July, 1835, for furniture and fittings. On the other hand, the best constructed union houses in the country had not cost more than 40*l.* a-head. No doubt a lunatic asylum was more expensive, but not in that enormous degree. The reason of this difference he did not know, except that many of them had been constructed with a great display of architecture. The Commission had no wish to advise the erection of unsightly buildings, but they thought that no unnecessary cost should be incurred in the erection of asylums. Some asylums were far too large, and on this subject the Report said,

> "The asylum for Kent will contain 300, for Surrey 360, for West Riding 420, for Lancaster 600, and for Middlesex 1,000. From the best opinions that we have been able to collect, and from the result of our own observations and experience, we think it is highly desirable that no asylum for curable lunatics should contain more than 250 patients, and that 200 is perhaps as large a number as can be managed, with the most benefit to themselves and the public, in one establishment."

The principle had been recognized in the district asylums of Ireland, and they had the great authority of Dr. Conolly for saying that 100 persons were the highest number that could be managed, with convenience, in one of these asylums. It would be better to have two of a moderate size than one very large, to which patients would be brought from a great distance. The asylums of Lancaster and Middlesex were so excessively overgrown that it was impossible to do full justice to the patients kept in them. And yet he feared that further enlargements were in contemplation. The third class was that of private asylums, which received persons who paid their own expenses, and also paupers. The total number of private patients in asylums of various descriptions, on the 1st of January, 1844, was 4,072; of these there were in metropolitan licensed houses, 973; in provincial, 1426. The paupers in private or licensed houses were—metropolitan, 854; provincial, 1,920. With respect to these a very serious question arose, how far any house should be licensed to take patients or paupers for payment. He knew there were some very good houses of that description, but the principle was very dangerous. Whatever might be the opinion of the House as to places of reception for wealthy and independent patients, he considered there could be very little doubt as to cases in which paupers were sent to such houses to be maintained, at the low rate of seven or eight shillings, out of which the proprietor was to feed, and clothe, and house the patient, and carry on the remedial process, paying all these expenses, and still getting a profit. In the metropolitan districts, at one time, the competition was so great that they were preparing to take persons at seven and even six shillings a-head; but the Commissioners had done everything they could to discountenance this, and to a certain extent they had succeeded, though they were still taken at eight and nine shillings. But in the country this evil was still altogether unchecked, as the extracts from the Report, which he should now read to the House, would show:—

"Many asylums had formerly been private houses; the mansion was sometimes engrossed by the proprietor and a few private patients, while the paupers were consigned to buildings formerly used as offices and outhouses."

The following were the remarks of the Commissioners on some of these houses:—

"West Auckland—Thirteen males, sixteen females; the violent and the quiet, the dirty and the clean, shut up together; only one small yard, and when the one sex was in it, the other shut up; in the day room of the males five restrained by leg locks, and two wearing, in addition, iron handcuffs and fetters from the wrist to the ancle, all tranquil, but they would otherwise escape; chains fastened to floor in many places, and to many of the bedsteads; the males throughout the house slept two in a bed. Wreckenton, near Gateshead—Chains attached to the floor in several places, and it was the practice to chain patients by the leg upon their first admission, in order, as it was said, to see what they would do; bedding filthy, cell offensive, also sleeping room; improved by visitation, but still unfit. Licensed house at Derby—Damp, unhealthy; bedding in a disgusting condition from running sores. At Lainston, in Hants—Even on third visit seven female paupers in chains; these seven and three others chained to their beds at night; the usual accompaniments of dirty, wet, and ill-clothed. Kingdown-house, at Box—the same details. House of Industry, Kingsland, near Shrewsbury—Containing from eighty to ninety insane persons. They were nearly all fastened to their beds by chains to the wrists. Union House, Redruth, in Cornwall—Forty-one insane persons, several violent and requiring restraint. Ditto at Bath—Twenty-one insane persons. At Leicester—Thirty insane persons; namely, eleven males and nineteen females, of whom three males and nine females were dangerous. Of the males, W. K. was a noisy maniac, very cunning, and occasionally striking the other men in the ward. P. R. was subject to maniacal attacks, during which he was placed in a strait waistcoat: he was raving mad about two months before our visit, and was consequently fastened to his bed at night, to prevent him from injuring or annoying the other inmates. A. H. was violent and passionate, and tried to cut others with knives, and all these persons were dangerous. Amongst the other cases J. L., an epileptic; J. D., a case of melancholia; J. G., formerly in the asylum, and still insane, noisy, and abusive: the rest of the males of the class appeared to be either harmless idiots, or in a state of mental imbecility. The three most dangerous of the females were C. B., admitted June 12, 1839, a destructive and dangerous idiot; M. H., admitted the 23rd of February, 1839, an abusive and dangerous lunatic: she was brought to the workhouse in a state of violent excitement by two policemen. M. A. R., admitted the 24th of February, 1841, a quarrelsome and dangerous idiot, once knocked out the teeth of a child. To these may be added the following as properly coming within the description of dangerous lunatics:—M. B., a sullen, ill-tempered person, who refused to be employed, and had threatened, when at home, to kill her mother. A. W., in the workhouse three years, an abusive lunatic, who had occasionally struck most of the women in the ward, particularly a paralytic patient, who could not defend herself. J. S., an irritable mad woman, who threw knives at those whom she happened to have a dispute with. E. H., a violent, irascible person, subject to maniacal excitement, and dangerous when irritated. She had been twenty-six weeks in the county asylum, having become unmanageable at home after the death of her mother sixteen years ago, and was said to strike the inmates maliciously. A. H., a harmless lunatic, with delusions, was most improperly sent to the workhouse instead of the asylum four years ago. Besides the above, there were in the house six quiet female lunatics, all confirmed cases, and five idiots. Workhouse at Birmingham—Seventy-one insane persons, amongst them was an unusual proportion of epileptics, namely, eleven males and sixteen females. Several of these were idiots, others were subject, after their paroxysms of epilepsy, to fits of raving madness or epileptic fever, during which they were stated to be excessively violent. Besides these, there were several patients who were occasionally under great excitement and furiously maniacal, two of the females had strong suicidal propensities, and one of them had attempted suicide. There is no class of persons more dangerous than are those epileptics who are subject to attacks of epileptic furor or delirium."

Of Plympton, in Devonshire, the Commissioners said,—

"In one of the cells in the upper court for the women, the dimensions of which were eight feet by four, and in which there was no table, and only two wooden seats fastened to the wall, we found three females confined, there was no glazing to the window, and the floor of this place was perfectly wet with urine. The two dark cells which adjoin the cell used for a day room, are the sleeping places for these three unfortunate beings, two of them sleep in two cribs in one cell. The floor in the cell with the two cribs was actually reeking wet with urine, and covered with straw and filth, and one crib had a piece of old carpet by way of bedding besides the straw, but the other appeared to have had nothing but straw, without any other bedding. In the other cell, the patient who had slept in it had broken her crib to pieces, and a part of it was remaining in the cell, but the straw was heaped up in one corner, and as far as we could rely upon what was said, she had slept upon the straw upon the ground, at least one night. The straw itself was most filthy, the floor was perfectly wet with urine, and part of the straw had been stuck to the wall in patches with excrement. It must be added that these two cells, and one other adjoining to it, have no window and no place for light or air, except a grate over the door, which opens into a passage. The persons of these three unfortunate women were extremely dirty, and the condition in which we found them and their cells was truly sickening and shocking. Adjoining to the two sleeping cells of these women, and opening into the same passage, was a third cell, which was occupied as a sleeping place by a male criminal of very dangerous habits and an idiotic boy. This cell was dirty and offensive, and the floor of it wet with urine, but it was not in so filthy a state as the other two. The criminal was fastened at night to his bed with a chain. We strongly objected to these men being confined in a cell closely adjoining to the females. The whole of these cells were as damp and dark as an underground cellar, and were in such a foul and disgusting state that it was scarcely possible to endure the offensive smell. We sent for a candle and lantern to enable us to examine them."

That asylum had since been improved, but it was in consequence of repeated visitations. To correct these evils (proceeded the noble Lord) there was no remedy but the multiplication of county asylums; and if advice and example failed, they ought to appeal to the assistance of the law, to compel the coustruction of an adequate number of asylums over the whole country. If constructed, however, on the same principles as had been adopted in many of those now existing, they would be little better than useless, and mere hospitals for incurables. Great benefit, it was to be observed, as well as great saving of expense, resulted from the application of curative means at an early stage of insanity. The keepers of all the great asylums stated that numbers of persons, especially pauper lunatics, were sent there at so late a period of the disease as totally to preclude hope of recovery. It was the duty of the State to provide receptacles for the incurable patients, apart from those devoted to the remedial treatment: it would be necessary also to enact that the patients should be sent without delay to the several asylums. On this subject he would read a few observations of the Commissioners. With reference to Hanwell they said:—

"The county asylum is nearly filled with incurable lunatics, and almost all the recent cases are practically excluded from it. When we visited it in March last, there were 984 patients, of whom only thirty were reported curable, and there were 429 patients belonging to the county out of the asylum, who, if they wait for the rota before they are admitted, will probably have become incurable, and will be lunatic annuitants upon the county or their parishes. Lancaster asylum contains 600 patients, of whom 546 are considered incurable; and there are more than 500 pauper lunatics in the county for whom it has no accommodation. Surrey Asylum opened in 1841, on 1st January, 1844, number in asylum, 382, of whom 362 are reported incurable; there are belonging to the county of Surrey 591 pauper lunatics. This was a most costly system. The superintending physician of Hanwell Asylum published a table in 1842, to show how long each patient had been confined there. There were 936 in the asylum; 696 had been there more than two years, and were pronounced incurable. The average duration of confinement of these 696 was upwards of six years and nine months. The yearly cost was about 22*l.* 4s. for each patient; each patient, therefore, will have cost 140*l.* "It should not be forgotten," the Report said, "that many pauper lunatics have families, who would no longer be thrown on parishes for support, if their mental maladies could be removed, or even materially ameliorated."

But the benefits of early attention were most evident from the following statements. It was impossible that they could press too much upon the attention of all parish officers the immense benefit which arose from early attention to all cases of lunacy, and an early attack, medicinally, upon the disease, before it became confirmed. In general, all the best practioners at county asylums complained of the late stage of the disease at which patients were sent in, and hon. Members would see that the Commissioners were obliged to make frequent complaints upon that subject, and the state of filth and rags in which the poor creatures were transmitted from their parishes. Into the asylum at Forsten, in Dorsetshire, during the course of last year, out of thirty-seven pauper lunatics, six had been sent in within three months of their being attacked with the disorder, and the result was most cheering, for out of the six, five were dismissed cured within four months after their arrival, and the sixth, although a female of seventy-five years of age, was in a state of convalescence, and he had no doubt she was also now restored to her family. Into St. Luke's it was well known that no patient was admitted after he had been labouring under the attack for more than twelve months. He was astonished to find, from the Returns made from that hospital, that, in 1842, the cures averaged 70 per cent, and that last year they reached 65 per cent. His curiosity was so excited upon the subject, that he wrote a letter to Dr. Sutherland, the visiting physician, to ask him whether those cases were merely temporary, or whether they were real and substantial cures. In answer the Doctor said,—

> "All the cures mentioned in the Report, page 81, are permanent. Our rule is, that if any patient, who has been discharged from the hospital as cured, relapses within three months, he is re-admitted, not as a fresh but as a relapsed case; the period he has been at home is deducted, and he is kept in the hospital to the end of the twelve months, or till he is again cured; but all such relapsed cases are deducted from the list of cures; however, we very seldom have instances of relapses, three or four during the year is the average."

Was not that a most satisfactory statement? Contrast that with reports from other parts of the country. The Commissioners report that

> "In the asylums of Lincoln, Leicester, Nottingham, and Northampton, the superintendents and visiting physicians have expressed their unanimous opinion that pauper lunatics are sent there at so late a period of their disease as to impede or prevent their ultimate recovery. Opinions to the same effect from almost every county lunatic asylum" Chester may be taken as a sample. "Paupers are brought in a very bad state, in filth and rags, and from too long delays, in a state where there is little or no chance of recovery."

He believed that one reason why parochial authorities were so backward in sending in patients, was their ignorance of the great benefit arising from early care and medical attendance, partly, too, the want of a sufficient accommodation, but the great inducement was the increased expense. They liked much more to keep such unfortunates in the workhouse at an expense not exceeding 2*s*. per week, rather than sending them to the county asylum, where the minimum charge was 7*s*. per week. He verily believed that even in the matter of expense, a first outlay, which might be considerable in the beginning, would prove eminently profitable in the end. His full conviction was, that the number of cures which would be effected, and looking at it merely as a question of expense, would fully repay the expenditure in ten years. Now, it was true, that they could show but few instances of restoration to reason; how was it possible? They could show a mighty improvement in the condition of the sufferers, the alleviation of their state, their occupations and amusements (all, with some bright exceptions, of recent date), and that the services of religion had infused a momentary tranquillity; but they could show little else; and unless the Legislature should interfere, and bring these unfortunates by force within the reach of sympathy and care; for every one restored to his senses, we should see a hundred in whom the light of reason would be extinguished for ever. Next, there were two points of deep interest to which the House would do well to advert for a moment—the questions of restraint, and the admission and liberation of patients. Upon restraint, it was unnecessary to dwell very long, as it was a matter of internal arrangement, and beyond their immediate legislation; but he wished to direct the attention of the House to the chapter in the Reports which handled that subject, that it might share the general satisfaction, and give praise to those good and able men, Mr. Tuke, Dr. Hitch, Dr. Corsellis, Dr. Conolly, Dr. Vitrè, Dr. Charlesworth, and many more, who had brought all their high moral and intellectual qualities to bear on this topic, and had laboured to make the rational and humane treatment to be the rule and principle of the government of lunacy. Respecting the admission of pauper-patients, it would be necessary to make very stringent regulations: for their admission into private asylums, a certificate was required, signed by a medical man; county asylums also, though not compelled by law, had made similar regulations for their own guidance; but for the transfer of them to any lunatic ward in a workhouse, no authority was required but that of the master. This power was open to the greatest abuses. The Report suggested that, until a sufficient number of asylums had been created, certain portions of stated workhouses should be licensed, and subjected to all the conditions and superintendence of the appointed visitor. The admission into licensed houses offered a better guarantee of security; the Commissioners were satisfied that it was, on the whole, well guarded, as they had not found a single instance of which they could say, that the first confinement was unquestionably, and beyond all doubt, improper: they have found some instances in which the confinement was unnecessarily prolonged. The question of liberation was very delicate: they had two parties to consider, the patient himself, and the public, which must not be exposed to the evil of persons, who may become violent and dangerous, being allowed to wander at large. What was to be done? There was one point to which he wished to direct attention with reference to this portion of the subject, and that was, the fact that no more frequent cause of insanity existed than was found in intoxication; the number of persons who were confined in lunatic asylums, and whose insanity originated in drunkenness, was very great, and would surprise any person who was not aware of the effects of this habit. In a majority of cases, a few days curative treatment produced a cure; but then the patient relapsing into former habits, became again insane, and underwent a series of repeated cures and repeated relapses; in many instances such persons, if set at liberty, endangered not only their own lives but those of others: this was one of the most difficult points to adjudicate. He (the noble Lord) had frequently urged upon the House, and especially in his Motion upon Education, the frightful consequences of inebriety, a habit fostered among the people, as much by the system of things, we permitted, and the temptations to which we suffered them to be exposed, as by their own tendencies. He would now call the attention of the House to the state of Wales with respect to pauper lunatics. In 1843, by the Poor Law Returns, the number of Welsh pauper lunatics was 1,177. Of these thirty-six were in English county asylums, forty-one in licensed houses in England, ninety in union workhouses, and 1,010 living with their friends. Many of these were in a wretched condition. The Commissioners stated—

> "It has been represented to us, that many of the Welsh lunatics who have been in the English asylums, have been very violent, and have been sent to them in a wretched and most neglected condition."

He (Lord Ashley) had been charged for having included South Wales in a reproach that belonged only to the north; but what was the fact? In a letter from South Wales, one of the Commissioners, now on a visitation, stated—

> "We have met with one case which we think most atrocious. A. B. was sent to the Hereford Asylum from near Brecon, on Nov. 28, 1843. She died on January 30; she was in such a shocking state, that the proprietor wished not to admit her; she had been kept chained in the house of a married daughter. From being long chained in a crouching posture, her knees were forced up to her chin, and she sat wholly upon her heels and her hips, and considerable excoriation had taken place, where her knees pressed upon her stomach. She could move about, and was generally maniacal. When she died, it required very considerable dissection to get her pressed into her coffin! This might be taken as a sample of Welsh lunatics."

But it had been urged as a reason for not building lunatic asylums in Wales, that the pauper lunatics could be easily provided for in the English lunatic asylums, and in consequence, it had not been attempted to institute a curative system in that country. This appeared to him, and, would, no doubt, appear to every one, to be a great cruelty. "The greatest of all cruelties," said Dr. Lloyd Williams, in speaking of this subject, "was to send the wretched pauper to a people whose language he could not understand;" and the general result was, that the lunatic—whose state of mind, in general, was characterised by suspicion of all who approached him, not being able to understand the language of those around him, or to communicate with them—became excited and inflamed, and passed from the incipient or curable stage of insanity, to confirmed lunacy. It was true that the foundation of an asylum had been lately laid at Denbigh; but the present activity of all parties must be ascribed in great measure to the inquiry which had been instituted by the Commission which had travelled throughout the country, and which had shown that it was the determination of Parliament not to permit these crying evils any longer to go unchecked and unredressed. He now came to the criminal lunatics. The number of whom in April, 1843, was 257, distributed in the following manner:—In gaols, 33; in Bethlehem Hospital, 85; and in various asylums, 139. With respect to those criminals who were confined in the various private asylums, he would put it to the House whether it was not an improper and unnecessary aggravation of their miseries towards the other lunatics to subject them to confinement in the same place and under the same regulations as criminal lunatics, he spoke not of crimes of a higher dye, but of those of whom some had committed the most atrocious crimes, such as murder and detestable offences. He assured the House it was felt by such lunatics to be a serious hardship that they should have to associate with these persons: the regulations also which were enforced in those places where criminals were confined were more severe than elsewhere, and their severity was felt by all the lunatics alike. They were likewise debarred from much indulgence which, under other circumstances, their melancholy situation would have procured for them. The whole course of experience, and the judgment of all the most enlightened and humane men who had reflected on the subject, went to establish the necessity of instituting and maintaining the most vigilant system of frequent visitation. It was in itself a most salutary mode of executing a duty so essential to the comfort of the unhappy objects whose welfare was concerned, while it afforded the opportunity of bringing to bear upon those institutions the influence of public opinion and public notoriety, and of exposing their administration to praise or blame. Now it was believed that within the metropolitan districts that vigilance had generally been exercised; but he could not say the same in the provincial districts, an exception could be made in favour of the County asylums, where the visiting Justices had shown the greatest attention, and in some few, though very few, the borough and rural asylums. In general this duty had been shamefully neglected. It would be needless for him to detain the House by enumerating facts that spoke for themselves; for if the parties to whom the duty of visitation had been entrusted had discharged their office with but common vigilance, the Commissioners would never have been able to have collected such materials for the Report that had been laid on the Table. But he should like to state to the House the beneficial effects of continual visitation. He would mention a case, which he felt warranted in doing from a sense of justice to the proprietor of a very great establishment in this town, whose asylum was the original cause of the Commission of Inquiry being appointed in 1818, but whose asylum now presented, as far as it was possible for an institution of that nature to present, a most agreeable and a most consolatory picture of what might be done by vigilant inspection. He spoke of Dr. Warburton's asylum at Bethnal-green. He remembered that the state of that asylum was so bad, that in 1826 a Commission of Inquiry was instituted, when scenes of the most cruel and disgusting nature were revealed, which made one shudder at the very recital of them. He remembered well the sounds that assailed his ear, and the sights that shocked his eye, when visiting that abode of the most wretched. But what was that asylum now? Altogether changed. There was, however, an original and inherent sin in all private asylums, because they must be made to yield a profit to the keeper. But Dr. Warburton had expended large sums to make improvements in his establishment. He had extended his grounds for affording opportunities of exercise, and had adopted every means for the amelioration and care of his patients. As a proof of the very great change in the system adopted at that asylum, he (Lord Ashley) would simply mention, that whereas, in 1828, there was commonly from 150 to 200 of the patients restrained by leg-locks, chains, and other fetters—certainly, during the night; in 1844 there were out of 582 patients only five whose violence rendered this species of restriction necessary; and even the confinement or coercion resorted to was of the most moderate description, and in the opinion of the visiting officers, most necessary. He would point to that case as to a sample of the salutary influence which was exercised by watching the proceedings carried on in these places of confinement, which but for such constant vigilance would again become dens of iniquity and oppression. Sir, these subjects may be dull, and want the light and shade of more exciting topics; but the expense which is incurred, the numbers that suffer, and the nature of their sufferings will, perhaps, justify the present demand upon your time and patience. The House possesses the means of applying a real and a speedy remedy. These unhappy persons are outcasts from all the social and domestic affections of private life—nay more, from all its cares and duties; and have no refuge but in the laws. You can prevent, by the agency you shall appoint, as you have in many instances prevented, the recurrence of frightful cruelties; you can soothe the days of the incurable, and restore many sufferers to health and usefulness. For we must not run away with the notion, that even the hopelessly mad are dead to all capacity of intellectual or moral exertion—quite the reverse; their feelings too are painfully alive—I have seen them writhe under supposed contempt, while a word of kindness and respect would kindle their whole countenance into an expression of joy. Their condition appeals to our highest sympathies,

"Majestic, though in ruin;"

for, though there may be, in the order of a merciful Providence, some compensating dispensation which abates, within, the horrors manifested without, we must judge alone by what we see; and I trust, therefore, that I shall stand excused, though I have consumed so much of your valuable time, when you call to mind that the Motion is made on behalf of the most helpless, if not the most afflicted, portion of the human race.

Sir *J. Graham* was certain that he was giving expression not only to his own sentiments and those of the House, but also to the sentiments of the whole country, when he declared that his noble Friend, so far from standing in need of an excuse for the statement which he had just made, was entitled to the grateful thanks of all his countrymen, for his indefatigable endeavours and the constancy he had displayed in pointing the public attention to the subject of his Motion. Although sensations of pity and commiseration could not but take possession of those who reflected upon the condition of a lunatic, yet the degrading associations, and the wretchedness by which that condition was characterised, too often induced the most philanthropic individual to turn his head away from so humiliating and fearful a spectacle, and to intrust the alleviation of that misery to those who were willing to undertake it from motives, in no degree akin to compassion. His noble Friend had, however, if proof of the readiness of some to step forward in such a cause were wanting, afforded a striking example of benevolence successfully exerted, and the example he had set was invaluable. The Act by which the present treatment and supervision of pauper and other lunatics was regulated would expire as his noble Friend had justly stated, in the course of the following year, and he was ready to admit the necessity which existed for bringing the subject under the consideration of Parliament. He had understood his noble Friend to admit that a very considerable improvement had taken place in the treatment and cure of lunatics, and that the means of coercion formerly resorted to were nearly, if not altogether abandoned, as in the instance of Mr. Warburton's establishment, where out of 582 patients confined during the present year, only five were under that species of restraint, whereas formerly every kind of cruelty and privation had been resorted to in that same establishment. With respect to what his noble Friend had said generally as to the course which it was expedient hereafter to pursue, he begged to say, there was no difference between his views and those entertained by the Government as to the leading points. In the first place, he did not deny the importance of an immediate resort being had to curative measures on the first symptoms of lunacy making their appearance. In the next place, he considered that it was highly expedient to separate the lunatic patients confined in public institutions, and to place those who were hopelessly insane, and consequently incurable, in a totally distinct part of the building, so that they could not influence those who were undergoing a curative treatment. He agreed in the opinion expressed by his noble Friend, and promulgated in the Report of the Commissioners, that in the great majority of the existing lunatic asylums the progress of cure was greatly impeded by the number of incurable lunatics confined with those not so hopelessly circumstanced. He was likewise convinced of the necessity for taking the state of the pauper lunatics throughout the kingdom into consideration at an early period of next Session. And with respect to the dangerous lunatics who were now, according to the statements referred to by his noble Friend, shut up in workhouses and other places where they ought not to be confined, he admitted that this subject must be taken into consideration with a view to their removal to some more appropriate place of constraint. The construction of the law was extremely doubtful upon this point; but, whatever the law might be, he had no manner of doubt that whether the subject were regarded in relation to the possibility of a cure, or to the safe custody of the person in a confirmed case of lunacy; in neither case was a workhouse a fit receptacle for such persons, whether they were dangerous lunatics or not; and he therefore was of opinion that the time was not far distant when some effectual means for remedying this evil would be devised, and that the Executive would take into consideration the means of providing places to which the cases of incipient lunacy might be removed at once, to the end that remedial treatment would be applied, and for providing distinct asylums for the incurable lunatics, where they would be entirely separated from those whose cases admitted the hope of cure. The expense of making such arrangements alone prevented them from being carried out; but he believed the law would hereafter compel the different Unions to incur the necessary outlay which would enable such asylums to be erected; and he must likewise express his conviction that in the end the expense would not be found much greater than it was under the present most imperfect and unsatisfactory treatment of lunatics. He, therefore, had no hesitation in saying that the condition of pauper lunatics generally would come under the consideration of the House next Session, and that proper provision would be made for them in Wales, where at present they were shamefully neglected. So likewise with respect to the criminal lunatics, the expense of maintaining them was considerable; but out of 257 persons thus circumstanced there were only eighty-five supported by the public, thirty-eight of whom were at Bethlehem, whilst all the other criminal lunatics were maintained at the expense of the counties where they were confined. He had no hesitation in declaring it to be his opinion that persons of this class ought to be collected together and confined in one or two distinct and separate buildings, and the statements already made by his noble Friend ought to weigh very strongly in inducing the House to be favourable to such a proposal. Having thus stated the points upon which he agreed with the views expressed by his noble Friend, he would point out in what respect he dissented from some parts of his plan. Though he did not doubt the accuracy either of the statements or of the deductions made by his noble Friend, with respect to the detention of single lunatics by their Friends in private dwellings, it was only necessary for him to remind the House of the caution necessary to be exercised in this respect, as the rights of relatives in these matters deserved some consideration, and that secrecy which was occasionally essential, and indispensable, would be violated by the Commissioners having the power to inspect such private houses. He therefore would recommend the House to approach the subject of private treatment of lunatics with great caution; for, notwithstanding the practice was open to abuse, yet it did not appear that such prevailed to any great extent. He had some doubts upon other points of his noble Friend's statements and suggestions, but he hesitated in giving expression to them, as he had not sufficiently studied the matter in its detail. He must, however, acquaint his noble Friend and the House, that he had not hesitated as to the assistance which he thought it his duty to afford the noble Lord in pursuing his humane inquiries, for he had given instructions on the subject during the last two Sessions, more particularly to the Poor Law Commissioners, to inquire into and Report on the lunatic paupers dispersed in the union workhouses throughout the country; and the result of these inquiries was a belief on his part that distinct asylums were requisite for the reception of pauper lunatics who were incurable; and he should therefore be prepared to submit for the consideration of Parliament some proposition respecting the matter, and also for providing means for separating criminal from other lunatics. He trusted therefore his noble Friend would not press his Motion for an Address to Her Majesty, as it would tend to raise expectations that might not possibly be realised. The Government was prepared to co-operate with his noble Friend, and to aid him in realizing those views of enlightened philanthropy which he had so well explained, and he himself joined his noble Friend in the benevolent determination not to let this matter slumber, but to perfect those ameliorations which the state of the case required. He therefore hoped his noble Friend would not press his Motion.

Mr. *Sheil* wished to mention a most important and painful fact—that in Ireland there were 300 lunatics scattered amongst the prisons—the evil was a most frightful one; murderers and maniacs were mixed up together. Some means must be taken to cure that state of things. It was sufficient to state the fact. He was delighted to find that the right hon. Gentleman was disposed to take this important subject up, and he trusted that the right hon. Gentleman would take means to extend the beneficent provisions which he had in contemplation to the sister kingdom. He concurred entirely in what the right hon. Gentleman had said with respect the conduct of the noble Lord. It was a common phrase to say, "It does one good to see you," and in this instance it was impossible to deny that it did one good to see the noble Lord exerting himself in this benevolent work. There was a sort of "*circum corda*" about his labours, and whatever difference of opinion they might entertain on some of the noble Lord's new crotchets, on one point they all concurred—that he was worthy of the highest praise for the motives by which he was actuated, and the sentiments by which he was inspired. It was more than gratifying to see a man of his high rank not descending, but stooping down from his position—not permitting himself to be lowered by the pursuits of pleasure or ambition, but seeking the nobler gratification of doing good, and the virtuous celebrity with which his labours were rewarded. It may be truly stated that the noble Lord had added nobility even to the name of Ashley, and that he has made humanity one of "Shaftesbury's Characteristics."

Mr. *Wakley* hoped that, after the speech of the right hon. Gentleman the Secretary for the Home Department, the noble Lord would not press his Motion. A debt of gratitude was due to the Commissioners for the labour they had bestowed on this most important question. In some points he disagreed with them; but on the whole he thought they had laboured with great assiduity, and had brought before the House some very important details. There was now such a mass of materials as would enable the House to legislate upon the subject without further inquiry. The right hon. Gentleman had told them that he was prepared to legislate, and he (Mr. Wakley) rejoiced to hear it, because he was convinced from the declarations the right hon. Gentleman had made in his Address to the House, that he would legislate practically and usefully on this important question. The subject of insanity had engaged the attention of the Legislature for many years, and it was evident, both from the statement of the noble Lord and the Report, that vast improvements had been made within a very limited period—in fact, the amount of improvement in reference to the humane part of the question was immense; in the scientific part the advance had not been so rapid as it ought to have been. The right hon. Gentleman seemed to be fully persuaded by the statement of the noble Lord and from having read the Report, that it was absolutely necessary that two different courses should be adopted with reference to curable and incurable lunatics. In fact, one of the most important features in the whole subject was that difference of treatment. It was a lamentable fact that the asylums in England, from one end of the kingdom to the other, were crowded with incurable patients. In the Middlesex Asylum there were only thirty curable patients out of 900, and some had been there from the very first week it opened—now fourteen years ago. At the same time, it was perfectly notorious that in every union workhouse of this country there were at this moment numbers of pauper patients—many recently afflicted with insanity, who could not get admission into that asylum. He rejoiced then that the right hon. Gentleman approved of the system of establishing district asylums for incurable patients. The noble Lord had particularly dwelt, and so did the right hon. Gentleman, on the necessity of early attention to these cases, and if they lost sight of that great fact—if their minds were not impressed with the necessity of attending to them at the earliest possible period, they would never adequately understand the subject, or adequately apply the means which science afforded for the relief of these afflicted persons, It was not within the first three months, nor the first three weeks; but within the first three days, if they could discover that insanity existed, that remedies should be applied. There were some peculiar features about insanity which had not come before the Commissioners, but which frequently came before him in his official capacity as Coroner. In this county he had had twenty-four suicides before him in twelve days—not one having committed suicide in a public or private institution, and in a great majority of them insanity had been entirely unobserved by the whole of their relations and friends: and in fact at the inquest, in the most searching investigations, in the majority of these cases not a single symptom of insanity had shown itself. But what did they find? The relatives of the suicides were generally called before them. They were asked, "Did you observe nothing particular in your relative?" "No," was the answer; "nothing extraordinary—nothing out of the way." "Did he do nothing odd or strange—something he never did before, to attract your attention?"—"No." "Was there anything new or peculiar in his habits?"—"No." "Did he complain of no ailment?"—"No, nothing in particular." "Did he apply to a medical man?"—"No." "Did he complain of no ailment whatever?"—"Only a little uneasiness in his head." That was the answer he found almost invariably given in these cases. "In what part of the head did he feel the pain?"—"He said he felt uneasiness in his head—a pain in his forehead;" but yet it was not enough to induce him to go to a medical man, or for his friends to make him apply to one. In almost all these cases he found that the symptoms were pain and uneasiness in the head. The poor head was the last part of the whole body that was attended to. If a man hurt his foot his family sent him to the doctor, because he might be prevented from attending to his work and supporting his family, but not so with the head. If one poor man asked another "How's the old woman?" the answer frequently was, "Oh, she's nothing very bad; she's only got the headache." If their horses or cows were bad, they would be sending for a surgeon, but in their family they thought so little of head affections, that application to a medical man was delayed for weeks and months together until the mischief was established, and insanity made its appearance. Now, he was satisfied that the system which the noble Lord had hinted at—the establishment of institutions for the treatment of insanity as soon as it manifested itself—would not only be a work of humanity but of economy too, and he was thoroughly persuaded by experience, that they would not have, in the course of years even, with an increased population, more than two-thirds of the number of lunatics they had now. That was his firm conviction, and he believed that medical men were beginning to be impressed with the same conviction, because now it was well known, that insanity never existed without some organic affection of the human body—that the mind never became deranged or disordered in its functions but from some derangement in the structure of the human frame; so that every person aware of that fact would feel how necessary it was to apply remedial means in the beginning of an attack. In general there was an inflammatory attack going on, requiring to be treated and subdued, and when subdued the derangement disappeared. He was delighted to find that the right hon. Gentleman was so strongly impressed with this view of the question that he declared he would sanction the establishment of institutions for incurables, and of others for curables; and upon that part of the subject he would not detain the House further. But he must express his regret at the manner in which the "restraint" and "non-restraint" system were referred to in the report. A part of it had a very strong leaning in favour of the restraint system, but it could not have been written by the noble Lord, for he had spoken as strongly in favour of the mild system as could be, and had told the House what effects he had seen where that system was adopted towards 582 patients. Now, at page 138 of the report he found these words:—"It seems to us that these measures" (there were two systems, restraint and non-restraint) "are only particular modes of restraint, the relative advantages of which must depend altogether on the results." Doubtless they did; everyone would admit that. Now, the noble Lord had given them, in his own glowing terms, a picture of the restraint-system which he witnessed twelve years ago, and he also, in the happiest terms, gave a full description of the non-restraint system. But the report went on to say, "The advocates of these two systems, to which we have called your Lordships' attention, appear to have been actuated by a common desire to improve the condition of the insane." That persons who chained them down—who confined them—placed them in cells—should be actuated by the same desire as those who adopted a milder system, and from which treatment such happy results followed, was strange indeed. But, said the report, "Those who employ, as well as those who do not employ mechanical restraint, adopt an equally mild and conciliatory method of managing their patients." The deuce they did; it was the oddest in the world. So that a man who whipped his child every morning before breakfast adopted just as mild a system of treatment as the father who endeavoured to admonish his child into the path of duty and happiness. He thought, therefore, that the report had not been drawn up with that care which the case required. He thought, too, that that there almost lurked about it something of a sneer at the Hanwell Lunatic Asylum. What did he find at page 147? One of the most curious things he ever saw. It was not a fit subject to be discussed in that House, but the sentence ought not to have been there. This was a very grave subject, and they who wished to get rid of trouble, and to carry on an asylum at the least possible expense, knew very well that chains, ropes, gloves, straitwaistcoats. and bonds, were not so expensive as rational and humane and kind attendance, and, consequently, they were inclined to practices of that sort, and turned them at once to the disadvantage of the patient, if care were not taken. Now, here was a remark on cleanliness and dirtiness, and he was surprised to see such a sentence in the Report. The Commissioners could not have read it. It was this:—"At the Middlesex Asylum it has been attempted to defeat dirty habits by the administration of aperients." Without explanation, that was a sort of sneer or sarcasm at the conductors of that establishment. [Lord *Ashley:* Read on.] At the Lancaster asylum good effects have been produced in obviating, and in many cases in entirely removing, such habits, by assiduously endeavouring to invite due attention to the calls of nature." Yes; but they gave no explanation of the former sentence, and it was not fit to be explained in that House. It was calculated to raise a sneer at the institution of Hanwell, and in his opinion a most unjustifiable one; because it was known that in some cases the administration of medicine such as was described in that sentence had had the effect of curing patients of dirty and vicious habits. But that was not stated, and it was calculated to have a bad effect on the character of that institution. He had seen a great deal of the conduct of the managers of that asylum, and never had witnessed more humanity exhibited in any institution in his life. They had done everything to do away with every painful restraint, and now persons who used to be confined in close rooms mixed together playing about on the grass and in the pleasure grounds, and apparently enjoying themselves from one week's end to another. He regretted that the Commissioners should have introduced a single word into their Report which should be calculated to throw a slur upon that asylum. He hoped it was not meant—in fact, he found in another part of the Report that the state of Hanwell Asylum was strongly commended, and was blended with the institution at Lincoln, where the non-restraint system was first adopted. But if what he had referred to went forth to the world unexplained it would be most injurious to that asylum. He hoped the next Session would not be allowed to pass away until towards the end of it without some measure being introduced on this subject. It might be thought to be a difficult and complicated one, but if treated in a common sense way it would be greatly simplified. But he would ask the noble Lord and the right hon. Gentleman whether they considered it right and justifiable that a great number of persons should be confined in this country by their relations in houses not licensed, or not subjected to any superintendence, or to any supervision, or to any visitation whatever from any person? Now, the Lunacy Commissioners had the power, if they went into a town with 100,000 inhabitants, where only two persons were confined in any house, being a licensed house, to visit that house; but if in the same town there were 100 persons confined singly, they had not the opportunity of going into any one of those houses in which these unhappy beings were incarcerated, for the purpose of seeing how they were treated by their most affectionate relations. The fact was, that individuals were confined for the purpose of some relations seizing their property. Persons were employed, with a very large salary, as keepers; and, unfortunately, those persons had an object in the patient's remaining lunatic, and in not being cured. He knew nothing more objectionable or more inhuman; and if any measure were brought in on the subject of lunacy it would be a most serious deficiency if it did not touch that part of the question.

Lord *Eliot* said, that after the observation which had fallen from the right hon. Gentleman opposite (Mr. Sheil) he was most anxious to assure the House that the subject of the pauper and criminal lunatics in Ireland had engaged the serious attention of the Government. As to criminal lunatics, it was proposed to grant a sum of public money towards the erection of a central asylum in Ireland.

Mr. *V. Smith* said, the right hon. Gentleman the Secretary for the Home Department had stated that he had issued an order to the Poor Law Commissioners that they should attend to the early admission of pauper lunatics into lunatic asylums. But the difficulty was this, that there was no means of compelling the relatives to disclose the state of the patient. Their wish was to conceal it. That was one point to which he hoped the attention of the right hon. Gentleman would be called, that he should show the manner in which that early discovery could be best achieved. The principal doubts expressed by the right hon. Gentleman on the statement of the noble Lord were first as to the prohibition of private asylums. Upon that point he was inclined to agree with the noble Lord that it was desirable to prohibit, if not to prevent, private asylums. He thought that, in this unfortunate condition of man, as in other evils to which he was subject, publicity was one of the means of cure, and he believed that that opinion was gaining ground among the public in general. He fully admitted that the subject was one of the greatest delicacy, and he quite understood the feelings of the right hon. Gentleman. It must to a certain extent be known if a person were confined in a public asylum; but he must say, that if any man maturely considered this with reference to the case of his relative, rather than to the concealment of the misfortune which had befallen his family, he would have no doubt that a public asylum was infinitely preferable to a private one. The next point upon which the right hon. Gentleman said he had a doubt was as to the size of these asylums. The noble Lord said he considered the size of the present county asylums as much too great; but the right hon. Gentleman turned upon his noble Friend and said that one of the complaints had been the excessive expense, and that a division of asylums in counties would be more expensive than having one large one. But he thought the right hon. Gentleman had not paid so much attention to that part of the noble Lord's statement as he did to the other parts of it, for the noble Lord dwelt more particularly on the distinction between asylums for curables and for incurables. No doubt, according to the evidence of Dr. Conolly, asylums for curable patients should be small, but he did not think the same objection could be made to hospitals for incurables. Now, if the right hon. Gentleman intended to carry into execution the system which he understood him to say he should do, he would procure a diminution of expense; but undoubtedly, in considering this question, expense occurred at every turn. It applied to the question of a mild or severe treatment. The latter was much more economical, and more he believed on that account, than from any regard to the sufferings of the patient, that system was adopted. Mild treatment was more expensive, it was carried on by the supervision of others, and when they considered what was required for the supervision of lunatic patients, how much temper, firmness, and vigour of frame, not for the purpose of violence, but to inspire awe in the patient, they would see how difficult it was to provide keepers for asylums where mild treatment was adopted. With respect to the Hanwell Asylum, the Commissioners had no intention whatever of casting any slur upon that institution. Where they had found fault with asylums, they had done so directly, and in a positive and fair manner. It must, however, be considered whether it was not better to adopt some permanent coercion than to use great violence occasionally; for instance, if they had a patient who had committed any offence that obliged them to drive him back into a cell, the effect upon him was more injurious than if he had been under coercion previously. With respect to the cases which had been brought forward from Wales, they were some of the strongest that were adduced before the Committee; and such as ought to be brought forward—as they had been by the noble Lord—in the strongest manner. He contended that the Commissioners sent down for the purpose of visiting asylums were much more likely than the local magistrates to discharge that duty efficiently. In saying this he did not mean to cast any slur upon the local magistrates; but they were gentlemen who were not professionally educated, and who knew comparatively little about the state of lunatic patients in these asylums. He repeated that he intended to throw no imputation upon the magistrates; but he would suggest to the right hon. Baronet opposite whether it might not be advisable to extend the powers of the Commissioners to visit, with respect to all county asylums, so as in many cases to supersede the powers of the county magistrates. It frequently happened that the county asylums were left to the superintendence of medical men, over whom there was no power of control; and the visitors did not visit the asylums so frequently and so unexpectedly as would be the case if the power of visitation was vested in the Commissioners. The superintendents of asylums, if they were anxious to disguise anything, were well aware when the visits of county magistrates might be expected. He must say he considered that great neglect existed with respect to the present system of visitation, and that when visits were made to asylums, they were in a great measure useless. The visiting magistrates walked round the asylums, scarcely knowing what inquiries to make; and, however good might be their intentions, however humane their feelings, their habits of life did not fit them to detect and investigate the abuses which might exist in such institutions. He would invite the attention of the right hon. Baronet to the Report of the Commissioners of Poor Law Inquiry in Scotland. In an Appendix to that Report—Appendix No. 3, he believed—there was a statement made by Dr. Hutchison, of Glasgow, with reference to the Isle of Arran. That Gentleman stated that there were 123 lunatics in the island, who were lodged in cottages and other places, some of them being placed in cells and garrets, in which they were compelled to remain in a crouching position. It appeared from the statement to which he alluded, that during the day these unfortunate persons were allowed to rove about the island. Indeed, the statements in this Report portrayed a scene like that of Bedlam broke loose; and the only excuse made was, that it was better for these lunatics that they should be allowed to ramble about the island than that they should be placed in confinement. Certainly, if such statements had not been made by Dr. Hutchison, and reported by the Commissioners, he (Mr. V. Smith) should scarcely have thought them credible. He hoped then, that while the right hon. Baronet extended his consideration on this painful subject to England and Wales, and while he also paid regard, as he had promised to do, to the state of Ireland, Scotland would not be forgotten or overlooked. He hoped that, when the right hon. Gentleman took into consideration the renewal of the Act for the appointment of the Commission next Session, he would direct his attention to several points which in his (Mr. V. Smith's) opinion were worthy of notice. One subject to which he wished to call the attention of the right hon. Baronet was the expense attending the Commission. That expence was running up to a very considerable sum. There were at present eleven Gentlemen who were paid Commissioners; and he thought it would be well if the right hon. Gentleman would consider whether the object he sought could be best obtained by the employment of those Commissioners—whether it might not be more advisable to have persons whose services would be more permanently at command. Some of the present Commissioners were Gentlemen of great eminence in the medical profession, and others were very accomplished lawyers; but in travelling through the country they did not confine themselves to the business of the Commission—they had other claims upon their attention. There was also a certain number of unpaid Commissioners, whom he thought it would be well for the right hon. Gentleman to retain in conjunction with the paid Commissioners; for, though he was of opinion that it was better for the State to rely upon paid than upon gratuitous services generally, yet he thought that, upon Commissions of this nature, gratuitous services were especially valuable. In the first place, he believed that an impression prevailed among the unfortunate persons visited by these Commissioners in favour of those Commissioners whose services were given gratuitously; they conceived that in cases of oppression or injury, they would be more likely to obtain redress from persons who devoted their time and attention to the subject without remuneration, than from those who were the paid servants of the country. He regretted that he had not been enabled to pay more attention heretofore to his duties as a Member of this Commission; but he must say, it was impossible to over-estimate the services of the noble Lord opposite (Lord Ashley) in connexion with this subject. The noble Lord since he had been Chairman of the Commission, had given his constant and unwearied attention to the condition of these unfortunate lunatics, and although with reference to other occasions on which the noble Lord had advocated the cause of humanity, some persons might have accused him of doing so from a desire to obtain notoriety, such motives could not in this case be imputed to that noble Lord, for he had been toiling in comparative obscurity on behalf of this class of persons. The noble Lord could have done this from no hope of fame; for the unfortunate people on whose behalf he had used his exertions had no fame to give. But still they had something to bestow: and he must say that, when visiting those unfortunate persons,h e d frequently seen them exhibit a feeling of gratitude, and a sense of kindness, which their saner brethren would do well to imitate. Although, therefore, his noble Friend might have toiled unobservedly, he had not toiled thanklessly; and he was convinced that the noble Lord would deem the gratitude of these unfortunate persons a sufficient reward for the time and trouble he had devoted to this subject.

Mr. *Sanders Davis* as a Member connected with Carmarthenshire, entered into an explanation of the circumstances connected with the lunatic asylum of that country. Previous to the issuing of any Commission, the three counties of Carmarthen, Pembroke, and Cardigan had done all in their power to carry the Act into operation, but had found great difficulties in their way. He referred to reports of the Commissioners to show that improvements had been made in the asylum. He did not make the statement in justification of the circumstances stated by the noble Lord; but he was sure the magistrates would be delighted to have sufficient power to administer the law for the benefit of these unfortunate persons.

Mr. *Hawes* had read the statements of Dr. Hutchison, to which the hon. Member for Northampton had referred, and he considered that they deserved the serious attention of the House. He would beg to call the attention of the right hon. Baronet opposite to one or two of those statements, in order that, while considering the condition of lunatics in England, he might be induced to take into his consideration the state of that unfortunate class of persons in Scotland. His right hon. Friend (Mr. V. Smith) had stated that there were 123 lunatics in the Isle of Arran, but the report stated that the number was probably much larger. He believed that these unhappy persons were confined in that island in direct violation of the law; and in his opinion, the treatment experienced by these persons in one or two cases he would mention, afforded a not unfair illustration of the general treatment to which such persons were subjected, whether in Scotland or in the Isle of Arran, The first case mentioned was that of a weaver, who was imbecile, and a Mrs. Nicholl, in whose care he was placed, admitted that sometimes he did not sleep at home for some months together, and that when he did so he slept upon straw in a corner: she also confessed that he frequently slept in a loft, without bed, bed clothes, or even straw, the place being without light, ill-ventilated and abounding with filth and vermin. The facts were not denied by Mrs. Nicholl, in whose presence the statements were made. Another case was that of a lunatic named John Campbell, who had been subjected to the most cruel usage. He was placed in the care of a person named Mackinnon and his wife, both of whom, it appeared, had frequently beaten him with ropes and sticks. Mrs. Mackinnon attempted to deny this; but when confronted with a neighbour who had witnessed the ill-usage, she did not persist in her denial. It was proved that this unfortunate man was frequently flogged with a cat-o'-nine-tails made of rope, till the blood ran down his back. Numerous cases of this sort were mentioned; but he referred to these instances of ill-treatment in order to draw the immediate attention of the right hon. Home Secretary to the subject. Out of the 123 lunatics discovered on the island 118 had come under the observation of Dr. Hutchison, and by far the greater proportion of them had been sent there without any medical certificate, without the warrant of the sheriff of the county, and they were confined in unlicensed houses. It might not, perhaps, be generally known that all persons harbouring these lunatics were liable to a penalty of 200*l.* or three months' imprisonment. This was a case involving a direct violation of the law; and he had, therefore, thought it right to call the attention of the right hon. Secretary of State for the Home Department to the subject.

Mr. *Stafford O'Brien* said both sides of the House seemed fully agreed that some remedy should be provided for the evils to which their attention had been directed; but, why should there be a year's delay in the application of that remedy? It was evident from the statements which had been made as to the condition of the lunatic asylum in Dublin, that the case was most urgent.

The *Chancellor of the Exchequer* felt in some difficulty as to this question. Up to the present moment he had not received any plan and estimate which would enable him to know what would be ultimately necessary to be taken, and he could not yet tell what vote he should take. Where a building was to be erected, it would be impossible to take a vote without an estimate, or he would not delay any longer to forward a subject on which he felt as deep an interest as any hon. Member who had spoken.

Lord *Ashley*, in reply, said it was well known that moderate restraint was useful, and that the lunatics, finding an attack coming on, would often ask for restraint; but this was very different from harsh coercion.

> "In the asylum for the county of Dorset, we found a patient whose suicidal propensities were so determined that he had once determined to drown himself, twice to hang himself, once to cut his throat, and also to choke himself by thrusting his sheets down his throat, and to strangle himself by twisting his handkerchief round his neck. The restraint of muffs was resorted to; and although previously restless and trying continually to get out of bed, this person began to sleep comfortably, and was, when we saw him, tranquil and apparently convalescent.
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> "The superintendent at Lancaster hesitates in giving an opinion decidedly in favour of the non-restraint system; he thinks that although much may be done without mechanical restraint of any kind, there are occasionally cases in which it may not only be necessary, but beneficial. The superintendent of the Suffolk asylum considers that in certain cases and more especially in a crowded and imperfectly constructed asylum, like the one under his charge, mechanical restraint, judiciously applied, might be preferable to any other species of coercion, as being both less irritating and more effectual."

He felt grateful for the expressions of the right hon. Baronet, and for the way in which the Motion had been met; and, in full confidence that the subject would receive attention, he would withdraw it.

Motion withdrawn.

GUERNSEY.] Mr. *T. Duncombe* said, that in the modified form in which he was about to submit to the House the Motion of which he had given notice, he hoped there would be no objection on the part of the right hon. Baronet opposite to consent to the production of the Papers for which he asked. He begged to move,

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that there be laid before this House, Copies of all Despatches and Correspondence that have passed between the Government and the Lieutenant Governor of Guernsey, from the 1st day of April last, to the present time."

He had on a former occasion postponed his Motion, at the request of the right hon. Baronet, because certain judicial proceedings were pending in Guernsey; and he wished it to be distinctly understood that he now moved for no Papers which had reference to any pending judicial investigations; but he thought something in the shape of explanation was due from that House and from the Government to the inhabitants of Guernsey. The people of Guernsey complained, that in the month of May last, to their great astonishment and surprise, a very large military reinforcement, consisting of 600 men, with ammunition and military stores landed in that island. He believed that no persons were more loyal and well-disposed towards this kingdom than the people of Guernsey and the adjacent islands; and they might well be surprised to find this large armament landed on their shores. He before asked the right hon. Baronet opposite whether that force was sent to Guernsey in consequence of any apprehensions entertained by the Government of internal commotion or foreign aggression; and the right hon. Baronet said he had felt it his duty to send that force, in consequence of representations made to the Home Government by the Lieutenant Governor of Guernsey — a gallant officer in whom the Government reposed the greatest confidence. The right hon. Gentleman said that the circumstances were then undergoing investigation, and that an inquiry had been instituted by the Government to ascertain whether the charges made against some of the inhabitants were well-founded or not. The troops remained for some weeks on the island; but he believed they had now been altogether withdrawn. He did not blame the Government for the course they had adopted, after representations had been made to them by the Lieutenant Governor and by other persons on the island; but he thought it was evident they had been grossly imposed upon. It appeared that the Rev. Mr. Dobree, a minister of the Established Church, made some representations to the Lieutenant Governor. These representations were made by a person of the name of Moulin, who died at the Rev. Mr. Dobree's house. Moulin made a confession, when upon his death-bed, that he had been poisoned. The Rev. Mr. Dobree communicated this circumstance to the Government. After Moulin died, the force of which he complained was despatched to the island. The Lieutenant Governor ordered a *post mortem* examination of the body, and it was established that there was not the slightest foundation for the suspicion that Moulin had been poisoned. The alleged conspiracy became a matter of inquiry. The Royal Court sat several days to investigate the question. Mr. Dobree was examined by the Court. He then repeated the confession which Moulin had made on his death-bed. He would not state who the parties were who were engaged in the conspiracy; for this he was committed for contempt of court, and kept in confinement for several days. There was not the slightest foundation for the assertion of Mr. Dobree. His evidence was completely set aside by the jury. The parties tried for sedition were all honourably acquitted. The right hon. Baronet must be aware that there existed in the island considerable excitement in consequence of this charge of conspiracy. The most respectable portion of the inhabitants of that island met and voted an address to Her Majesty, expressive of their loyalty. The militia of the island also considered themselves greatly aggrieved. In consequence of the representations of Mr. Dobree it was believed that a portion of the militia had conspired against the life of the Lieutenant Governor, and intended to assassinate him when they met to celebrate the Queen's birthday. He (Mr. Duncombe) wished the right hon. Baronet to come forward and declare that not the slightest imputation rested against the loyalty of any person connected with the island. He thought that the right hon. Baronet could do so conscientiously. It was perfectly competent for the House of Commons to require these Papers and Correspondence. The expense of sending this additional force to the island would, no doubt, form an item in the Army Estimates; but, independently of that argument in favour of his Motion, he again repeated that so large a body of people, the most peaceable and loyal in the kingdom, had a right to see those Papers, and to have some public declaration from the right hon. Baronet on the subject.

Sir *James Graham* said, it was true that he had asked the hon. Gentleman to postpone his Motion; but on the part of the Crown it was necessary that he should exercise discretion with reference to the production of the Papers which the hon. Gentleman had moved for. No one could regret more deeply than he did the misunderstanding which had arisen in one of the Channel Islands between the Governor and a portion of the inhabitants. He had stated on more than one occasion, what he now would with great satisfaction repeat, namely, that with respect to the loyalty and attachment of the great body of the inhabitants of Guernsey, there could be no doubt—no suspicion whatever could be cast upon them. Nevertheless there was reason to believe, and he still did believe, that a plot was formed against the life of the Lieutenant Governor, and he believed that it was intended to carry that plot into execution on the birth-day of Her Majesty, when the militia would be assembled. The House was aware of the general character of the Lieutenant Governor of that island; he was amongst the most distinguished military men in the service of Her Majesty—a man of strong nerve and firm mind, who was not likely on slight grounds to apprehend danger; and yet that gentleman had informed him, about ten days before the birth-day of Her Majesty was to have been celebrated, that the wicked intention to which allusion had been made was formed, and was to be carried into execution on that particular day. The militia were consequently prohibited from assembling, and an additional force sent to the island; and the Government also sent a confidential legal adviser to collect evidence. The Gentleman to whom had been confided that trust was a Gentleman of strict integrity, and considerable legal knowledge, and, from the evidence which had been obtained, he (Sir J. Graham) again repeated the solemn statement, that he did believe such a plot existed. A person worthy of credit first gave information of the existence of that plot, and the particular day on which it was to be carried into execution. He feared that further legal proceedings must arise out of this transaction; questions were still pending intimately connected with those matters. He repeated that he had no suspicion of the loyalty of the island generally, but there existed against the Lieutenant Governor in certain quarters the most bitter and implacable animosity. There was nothing to impugn his impartial conduct. He was bound to say that at the present moment questions were pending in immediate connection with the administration of justice, and it would be, therefore, in the highest degree inexpedient that he should grant the Correspondence moved for by the hon. Gentleman. Having given an explanation which he hoped would be satisfactory to him, he hoped he would not press his Motion; if, however, the hon. Gentleman did so, he should feel it his duty to resist it.

Mr. *Duncombe* said, that as the right hon. Baronet said that further proceedings would be instituted with reference to this subject, it would be most improper for him to press his Motion for the production of the Papers. But he must be allowed to say, at the same time, that he could not help thinking that the declaration made by the right hon. Baronet would cause great grief and disappointment in the island. He did not believe that there was a single individual in that island, notwithstanding what the right hon. Baronet had said, upon whom he could place his finger and say that he was a disloyal subject. It all turned upon this: did the right hon. Baronet and the Lieutenant Governor place the least credit on the statement made by the Rev. Mr. Dobree? Did they place confidence in the evidence of a man who at the Royal Court the other day, it was well known, perjured himself? The Rev. Mr. Dobree sometimes fancied, not only that persons were going to shoot the Lieutenant Governor, but that they were going to shoot himself. They had only his word, and that of Mr. Moulin, and he believed they would not find one person in the island who would give credit to the fact. Sometimes this Mr. Dobree, when he fancied that he was going to be shot at himself, nailed down the windows, and having wrapped the union jack around his pulpit, sat in it, and fancied himself under the protection of the British flag. And yet upon the statement of such a man, which he said had been given him by a person who was dead, two thousand of the loyal militia of the island were not allowed to assist in the celebration of Her Majesty's birth-day. He did not believe that there was the least foundation for any of the charges which had been made.

Sir *James Graham* said, the hon. Gentleman assumed that the charge rested on the statement of one Gentleman only, but it was not so, for it rested in the first instance, on the deliberate opinion of the Lieutenant Governor himself, and General Napier was a man of as sane and strong a mind as could exist. It rested on evidence first given to the Lieutenant Governor, which had since been sifted by Mr. Daniel, and he (Sir James Graham) would again repeat that he believed such a plot existed.

Motion withdrawn.

QUARANTINE LAWS AND REGULATIONS.] Dr. *Bowring* said, that he had again to request the attention of the House to an important subject which he had, on other occasions, called upon them to listen to; and it was not in the spirit of complaint of the Government, or of doubts as to the Government doing its duty, but because these discussions strengthened the hands of the Executive, and created that public opinion which alone would enable them to supersede a system which had nothing but credulity and ignorance for its foundation. The Quarantine Laws must disappear when inquiry and investigation were directed towards them. True it was, that difficulties were in the way of their total and immediate removal. Inattention and prejudice, and what was far mightier, pecuniary interests, and other interests of place and power, were leagued together for the support of a state of things which was an opprobrium to an age of philosophical investigation, and which represented the grossest superstitions of the human race. But as already some concessions had been made, and the frights and the follies of men had been in some degree, controlled by the results of experience, so he hoped, that in the process of time, the harassing vexations—the costly sacrifices—the impediments to commerce and communication —the uncontrolled despotism of the Quarantine regulations would be wholly and for ever overthrown. Lazzarets had been introduced by the Venetians four centuries ago, and were it possible to present in one view the enormous mass of oppression and misery—of losses and annoyances—of damages to person and property which they had created, the amount would startle credulity itself. Our own law was to be found in a Statute of 6 George IV. cap. 78; and was in itself a pretty picture of interference and harshness. The neglect to deliver a paper specifying the name of the port whence the vessel started, and of all ports at which she had touched, was visited by a fine of 500*l.* Another fine was imposed of 200*l.* for disobedience to Quarantine officers, and another of 100*l.* for refusing to hoist a given signal. These regulations apply to all vessels coming from the Mediterranean or Barbary, or having touched there, or taken in goods at any of their ports. They applied exclusively to the Levant, though nobody could contend that the yellow fever of America in the West Indies, was less contagious than the plague, and against it no precautions were taken. Then came a multitudinous list of vexatious questionings, and all masters of ships were obliged to answer twenty-five preliminary, and thirty Quarantine inquiries; but one question was so involved and so entangled with others, that there really were no less than 123 replies to be given to the interrogatories of the Quarantine inquisitor. The topic has at different periods obtained some share of attention, and he could not pass over in silence the merits of one gentleman, Dr. Maclean, who had been a martyr to his zeal in uprooting the contagion fallacies upon which our Quarantine legislation was founded. Too much neglected, and too soon forgotten, he had been one of the most indefatigable and most useful labourers for the emancipation of trade from the manacles placed upon it by superstitious ignorance, and had preferred in the fulfilment of this mission to be associated with neglect and poverty—to any success which might have grown out of the flattery of the baneful interests and prejudices which have been too long omnipotent. The whole theory of the Quarantine system rests on the supposition that the plague may remain for some time latent in the individual, and that it is necessary while there is uncertainty as to its existence in the persons who come from plague countries, to hold them in durance, and to take precautions to avoid communication with those who may possibly be infected. The period of time in which the seeds of plague may lie dormant in the individual is pretty generally allowed even by contagionists, not to exceed fifteen days. The Proto-medico of Malta, in his Report of 1813, says, no case was ever known of a distance greater than fourteen days between communication and disease; and the French Commissioner, M. Segur Dupeyron states, that the physicians who have studied plague generally, concur in this, that the power of plague cannot remain more than fifteen days latent in the human frame. But the author of the laws and regulations against plague are deaf to all testimony of a philosophical or disinterested character; and the latest regulations of the Board of Health at Marseilles given in p. 113, of the Parliamentary Papers, declare that no period of time shall allow a clean bill of health to be received from Egypt and Syria; while from the other parts of the Ottoman dominions, a year and a day must have been passed since the last case of plague in order to admit a vessel to free pratique. We sometimes boast of the return we make to the East, for the favours our forefathers received from those regions. Our last good gift was the curse of the Quarantine Laws. If we sent back our wisdom, instead of our folly, our enlightened experience instead of our narrow and childish superstitions, we might take some credit to ourselves. But in this case, if we had recommended a more judicious police, attention to ventilation and to draining,—the removal of offal—the cleansing the streets and houses; instead of the absurd and ludicrous, but most oppressive enactments of the Quarantine system,—instead of misdoers which we have been, we might have become benefactors. The Turks would understand well all the despotic and arbitrary part of the affair; and in looking through the correspondence he perceived (p. 103), that no European's life was safe under the interpretation given by the Ottoman authorities to the Quarantine Laws; and the British Ambassador is called on to interfere in order to prevent what after all appeared to him (Dr. Bowring) a very natural and allowable construction; for in despotism the most barbarous, the Quarantine Laws begin; and through despotism the blindest is effect given to them. Lazzarets in Turkish forsooth! To say nothing of the fact that one of the most desolating plagues which has ravaged Egypt, broke out in 1835, four years after the establishment of Quarantine, the cases are abundant in which healthy individuals and healthy crews have been sent into Lazzarets—the focuses of plagues and pestilence—and in these very prisons have sickened and perished. Many such cases had occurred in Syria, where the Lazzarets were generally constructed in the midst of swamps and miasmata, and in which to escape disease was great good fortune. There is little difficulty in discovering the sources of the plague,—still less in tracing the circumstances which cause its spread in its worst and most dangerous forms. Where no attention is paid to the accumulation of filthy matter,—where there is no drainage to remove nauseous accumulations,—where foul air and stenches remain unventilated, and are allowed to create an active pestiferous influence,—where streets are foul and narrow,—where the houses are inconvenient and overcrowded,—where stagnant waters abound, and the remains of dead animals and putrid vegetables are brought together, there you will find the elements out of which plague has its birth; and in these places in the East, where these various nuisances are concentrated, plague takes up its natural abode, and reigns in its most despotic power. The Pontine and Tuscan marshes exhibit an example of the desolating influences of malaria. They cover a region once among the most populous of ancient Italy. The great Etruscan cities were there. In the process of time, the waters of the sea have broken in and mingled with the fresh rivers from the interior. Lakes and swamps have been formed. Coarse algæ and various vegetable productions have grown in the marshy soil, and the whole atmosphere has been tainted with damp and unwholesome miasmata. The region had become uninhabitable, except at the utmost risk of life. The reigning Grand Duke of Tuscany has, however, successfully attempted to introduce salubrity. The marshes have been either drained or filled up with depositions from the rivers; and gradually, a population is introducing itself into districts which, but a few years ago, were nearly abandoned by man; and in the course of years, there can be little doubt but that the old Etrurian regions will see villages and towns, and cities grow up and land fertilized, and a whole district recovered from the pestilential influence which has so long presided over it. And what is true of localities, is also true of races and individuals. When the plague breaks out, its ravages are always greatest among the poorest and least civilized of the population. The proportion of the Europeans who are attacked, is invariably small, and the cities and the parts of cities which are most distinguished for comfort and cleanliness are seldom attacked at all. In Constantinople, Pera and the Frank districts, enjoy almost an immunity against plague. In Damascus, it is mainly in the close and crowded portions of the city that the plague breaks out; the neighbouring villages, some of which are neatly and judiciously built, are generally retreats of safety. When once conversing with the Governor on the subject of the health of the city, and the establishment of Lazzarets, he agreed that the unhealthiest parts of the place were those where dead dogs and camels and heaps of decayed vegetables were deposited, and acknowledged that it would be desirable to try the experiment of removing them. But in Syria, a plague interest is now growing up, and as people are paid for propagating contagious delusions, no doubt new arguments, inventions, and facts will be found or fancied to support theories, by which money is to be got. At Cairo, in the plague of 1835, when 33,733 persons died, only 515 were Christians. In Alexandria, the ravages of the plague may be distinctly traced to the unhealthiness of the situation—the stagnant waters in the ancient cisterns—the adjacency of Lake Mariottis—the filthy habits of the Fellahs. Even in ordinary circumstances, the yearly mortality of Alexandria was one in ten. Dr. Laidlaw says (in a letter from which Dr. Bowring read the extract):—

> "The mortality within the walls is more than a tenth of the whole population in one year alone; four times the mortality of London, and double that of Calcutta and Bombay. Yet we have here a much finer climate than in any of these places. The causes of disease are local miasmata—dirt and filthy habits—want of clothing and wholesome food and want of drainage and ventilation. The climate has, in my opinion, nothing whatever to do with it. The crews employed on board the British fleet in the Mediterranean do not average a mortality of more than 1 per cent."

And in the same letter, he was happy to find on the authority of Dr. Laidlaw, whose valuable services in the diffusion of correct opinions on the subject of the plague was deserving the highest eulogiums, that ancient prejudices were now passing away, for he says—

> "It is curious to observe the effect of steady resistance to the bigotry and superstition connected with this question of contagion and Quarantine. Many of the most sturdy and obstinate of its supporters here are now wavering, and disclaim opinions they maintained violently only four or five years ago."

In fact, it is impossible to resist the accumulation of evidence which shows that the ravages of plague are not to be checked by superstitious fears and dreams, but must be controlled by that general attention to the public health which is now applied to stop the progress of other diseases. But plague countries afford admirable illustrations of the general principle that the amount of disease depends on the condition of the people. In the plague in Alexandria in 1835, the grade of opulence and of social position determined the amount of mortality. Among the English, French, Russians, and Germans, the classes possessing the greatest amount of comforts, the mortality was five to 1,000. Among the Italians and Maltese, who occupy the lowest position of European society, the mortality was seven to 1,000. The Turks among the Mussulman races, are by far the best off; and the mortality there are twelve to 1,000. Among the Arab soldiers, fifteen; among the Egyptian peasantry (Fellahs), sixty-one in 1,000; and in the lowest social scale, the negro population, the mortality was eighty-four in 1,000, being nearly seventeen times greater than among the richest classes of Europeans. And in Alexandria itself, there is an improved state of the public health from the removal of all the cemeteries beyond the walls of the city, and from the establishment of a Commission of Public Improvement under the auspices of Mehemet Ali, which is charged with an inspection over all buildings, and with such provisions for the health of the place as may be connected with the destruction of old or the erection of new edifices. Nor ought it to be forgotten that since Algiers has been in the possession of the French, it has ceased to be a plague-producing country, and vessels from them are admitted to pratique without difficulty. We need not go so far for evidence of the effects of proper precautions upon the health of the people. Mr. Chadwick's Sanatory Report is full of the most valuable materials on this subject. In the same town, Leeds for example, there is one district where the annual deaths are one in twenty-eight, while in another they are only one in fifty-seven. There are it appears fourteen counties in England, in which the mortality is one in thirty-nine, and fourteen others in which it is but one in fifty-four. Nor would it be difficult to prove that the plague was a frequent visitor in many of our unhealthy localities —for typhus in its worst forms cannot be distinguished from it—and he (Dr. Bowring), had heard from a physician of the highest eminence well acquainted with plague, that he had had not unfrequently from five to seven patients in London, with every symptom that characterises the oriental plague, such as buboes and carbuncles, and that he was convinced of the perfect identity of the disease, and of its very common existence in this country. It is an error to suppose that the plague was extirpated by the great fire of London. Down to about 1730 its victims are found constantly cited in the Bills of Mortality—scarcely a year without some reported deaths —and he was persuaded a return of mortality from plague might be made up yearly to the present hour. But if plague under certain circumstances be contagious, so are other disorders, against which no Quarantines are directed. Dr. W. Currie says—

> "I am convinced that the yellow fever is only contagious or communicated from those that are sick or affected by it, to those who are in good health in situations where the air is confined and rendered impure by exhalations, from putrifying vegetables or other putrifiable substances."

And so Dr. Hosack, "The yellow fever is only communicable through the medium of an impure or vitiated atmosphere." Now both these doctors are contagionists, and have written in favour of the contagion of yellow fever. Dr. Russell, one of the greatest of plague authorities, in his description of the plague of Aleppo in 1762, acknowledges that the mortality was in proportion to the extent of poverty, and that the people of rank suffered least of all. The history of disease is crowded with evidence of the effects of foul atmosphere and absence of ventilation upon the health of man. What plague was ever more murderous in a narrow sphere than the jail fevers of our own country? In 1577, the Judge, Sheriff, and 300 persons died at the Oxford Castle Assizes in forty-eight hours. Many such cases are mentioned by Lord

Bacon. Look at the frightful mortality of the Calcutta Black Hole in 1756, when of 170 persons, 154 died in a single night. What sweeping diseases ravaged our Navy, when in 1778, Dr. Johnson described a man-of-war to represent "the extremity of human misery—such crowding, such filth, such stench." And examine through Dr. Wilson's Medical Returns, the wonderful improvement in the health of our Navy, where in 1779, the annual mortality was 1 in 8; in 1811, 1 in 32; in 1830 and 1836, no more than 1 in 72. And if we want to learn how plague is generated we have only to look to the wynds of Glasgow, the cellars of Liverpool, the hovels of St. Giles's and Whitechapel, as lately described by an observant Frenchman Leon Faucher; or read the accounts of some of the quarters of Paris, as portrayed in a public report—"houses in ruins—straw beds in a state of putrefaction—darkness—damp—infectious smells—filth without example."—Or in the wretched corners of Brussels from another official report, "no pumps—no privies—no sewers—rotten ladders for staircases—suffering adults—pale ricketty children—neither light nor air." Could the same inquiries penetrate into the miserable quarters of Constantinople and Cairo—of Damascus and Alexandria—no one would wonder that disease and death, in all their pestilential varieties should be omnipotent there. But it is easier to excite the fears than to enlighten the understandings of men—and so it is that the huge machinery of Quarantine has been constructed. It had its origin in regions and in ages of ignorance. The Italians, to whom we owe its introduction, are, in matters of disease, among the most credulous of nations. The phthisis in Italy is almost universally believed to be contagious—and the clothes of persons dying of consumption are destroyed lest the infection should spread. And in Europe generally, the cholera was deemed contagious, and all the absurdities of Quarantine regulations were even in England directed against it. But whether contagious or not, Quarantines were soon laid aside as useless, if not pernicious, by all the civilised states of Europe. The presence of the disease wrought an almost unanimous opinion as to the folly of Quarantine regulations—they were abandoned by common consent, and he doubted not such would be the result of a visitation of the plague—and that such visitation would at once overthrow the antiquated notions as to the value of such precautions. Still it is greatly to the discredit of our authorities abroad, that after even the Austrian Government had abandoned all cordons against cholera as idle and injurious, our officials in the Ionian Islands stuck to them with all the ignorant pertinacity which distinguished the petty Italian states. But in Corfu too many live on the delusion, and of course men will be for maintaining the abuses by which they profit. To carry out the theories of contagion, all substances are divided into two classes, the susceptible and the non-susceptible articles—those which will, and those which will not communicate plague. The Venetians have added an additional bit of absurdity, and have established a class of semi-susceptible articles, but this nonsense they have monopolized; the susceptible articles consist of all animal substances, such as wool, silk, feathers, and many vegetables, such as cotton, linen, paper, &c., while wood, metals, fruits, &c., are called non-susceptible. The whole division may at once be denounced as nonsensical and visionary. It is grounded upon the merest caprice. There has never been an examination into the matter—never an experiment. Yet upon these distinctions all the costly contrivances—the annoyances—the delays—the exactions of the Lazzaret establishment are alone to be justified. But was there ever a case of communication of plague by such susceptible articles? He (Dr. Bowring) had moved for a Return of all persons who in our Lazzarets had the handling of susceptible goods, and who had taken the plague, or had died of the same. The Return is nil—absolutely not one! Why, a century and a quarter ago, Dr. Brown ridiculed the idea of cotton conveying infection, and defies his celebrated opponent Dr. Mead, to prove a single case. He did not; he could not. Our Malta Commissioner strongly represents (p. 84, of the Correspondence on Plague), the absurdity of grounding distinctions upon supposed susceptibilities of divers matters, without any evidence whatever on the subject. Dr. Davy (who has thrown much useful light on the subject) says,

> "From all the information that we were able to collect, it would appear that no accurate method has been employed in determining the non-susceptibility of any one article in regard to contagion, much less so many and so different."

He expresses his belief that the whole system of classification was introduced during panic by ignorant and affrighted people, whose dicta have become sanctified by time. He says, that of the articles declared susceptible, none have been tested by experiment, that they are constantly handled in the Lazzarets—that no instance is on record of any individual so handling them contracting plague—and that all logic and philosophy and experience prove, that the articles now called susceptible are precisely those which do not communicate the plague. Dr. Davy gives eight cases of inconsistencies and absurdities to which he had himself been subject in the East, with which he (Dr. Bowring) would not trouble the House; but he ventured to say that no hon. Gentleman could have passed a day in a Lazzaret without blushing for the obstinacy, the ignorance, and the credulity, which had preserved such a chaotic mass of absurdities for so many centuries. It is curious enough, that the very articles which are denounced as most susceptible, are precisely those whose transit from place to place and person to person, is most easy and constant—wool is held to be peculiarly susceptible, yet flocks of sheep wander across the frontiers of plague countries—woollen garments are sold in enormous quantities in public bazaars, whose possessors and wearers have died of plague, and never fetch one para the less in consequence. Silks go down hereditarily in families from generation to generation. Feathers are by the flight of birds brought from and to every region of the globe. The cotton wool which comes from Egypt is often impregnated with the pus of plague-sufferers who have died upon it; and it is circulated through the whole of our manufacturing districts, without any precaution or any alarm. Paper, coming from Turkey and Egypt in ten thousand forms, where does it not penetrate? Even in Russia, where the ignorance of the people co-operates with the Government in giving the severest interpretation to Quarantine regulations, our Consul at Odessa says, that though it is notorious that infected articles had been stolen from the Lazzarets, yet they had never been known to communicate the plague. Dr. Bulard says—

> "That in the Esbekir Hospital at Cairo, the same beds, linens, drawers, shirts and sheets, which during six months had been employed for from 2000 to 3000 plague patients were used for general purposes, for those suffering from fever, wounds, ophthalmia, dysentery, syphilis, without other precautions than simple washing in water without alkali or soap. Aprons were lying about impregnated and almost wholly covered with the pus of buboes, the sores of carbuncles and pestiferous blood."

Dr. Bulard is a contagionist, but he acknowledges no evil results took place from this state of things. And hear Dr. Abbot, a medical man in the service of the Pacha of Egypt:

> "In February, 1835, in consequence of the existence of the plague in Alexandria, our fleet was ordered to sea. It was necessary that provisions, clothing, and stores of all sorts, blankets, tarbouches, shoes, and other woollen and leathern articles, all supposed to be highly susceptible should be embarked. The wives and families of the sailors also brought tarbouches, blankets, cloth dresses, &c., which were all received on board without precaution, in utter neglect of Quarantine—yet no plague was introduced."

It would be wearying to multiply examples—but he (Dr. Bowring), had reason to believe that some years ago a large quantity of plague-infected garments were introduced into this country, for the purpose of experiment, and distributed and worn, without the shadow of danger or suspicion of danger. In the application of the Quarantine regulations, there is no absurdity which is not in daily practice. The object of Quarantine is acknowledged to be the protection of the community from the disease which may be latent in goods or passengers coming from a plague country; one would suppose the longer the period since which a vessel had left a plague country, the shorter the time necessary for the public security. Quite the contrary. A steamer shall come from Alexandria, and make her passage in eighteen or twenty days at most, and in a day or two her passengers and their luggage will be on shore. A merchant ship shall have been, two, three, or four months on her voyage, and she will be probably subject to forty days Quarantine. Often does it happen that two vessels departing on the same day, and in one case after a short voyage one shall be reloaded and on her way back, before the other has entered the Quarantine; and be it not forgotten that contagionists are almost unanimous in declaring that plague cannot be latent more than fifteen days. But the land regulations are still more unjustifiable—for communication by land cannot be prevented—every reptile that crawls—every insect or bird that flies—every animal that wanders—every fish that swims, passes from one country to another. No doubt the regulations against plague facilitate the operations of the multitudes of smugglers who crowd upon limits of the districts. But Land Quarantines are generally much neglected. It is in ports that Boards of Health are important—influential—highly paid functionaries — and it is therefore against sea-imported plague that all these precautions are directed. And he (Dr. Bowring) had known cases where, when the severest restrictions are placed upon vessels arriving from foreign ports, and from ports in which there was no disease—there was not any, the slightest impediment to communication with places in the interior where the plague was raging. Alexandria has its Quarantines against Turkey—but what protects Cairo against Alexandria—or El Siout against Cairo? Nothing whatever—and yet it is notorious there are many regions in Egypt where the plague is unknown—it has never made its way to the south of Essouan—it has never penetrated into the Fayoum—though so close to the capital. Pilgrims by tens of thousands pass through Egypt in the plague season to the Holy Cities—they have never conveyed the plague to Arabia. What precautions do we take in our vast Indian Empire? None! None whatever. For travel east from Egypt—there are no Lazzarets — no Quarantines — no inquiries whatever. And why? Because there is universal incredulity. There are no Boards of Health paid to keep up delusions—and now happily there is little danger of the introduction of Quarantines. A few years ago he (Dr, Bowring) understood the then Governor General of India, Lord Auckland, sent a Commission to the north-western provinces to report on the plague and on the establishment of Lazzarets as a protection against it. Happily the Commission was composed of men of learning and observation, and they were unanimous in objecting to the establishment of a Quarantine system. It is well for India and the world that the matter was not referred to plague doctors, nor to any person having an interest in the propagation of absurdities. But if in the East, with a climate resembling that of Egypt—with a population near akin to that of Egypt in habits of religion—in social and domestic usages—there exist no Lazzarets—no system of Quarantine—why, when travelling West—at the same or a greater distance from the seats of pestilence—why should merchants and travellers — and sailors and merchandise — coming to civilized countries — removed from all pestiferous influence—why should they be subjected to the costs and vexations—to the dangers and the despotisms—to the losses and the delays, of a legislation begotten by ignorance—and born, reared, and supported by blindness and prejudice? In fact—there is no general law—every country has delivered over its arrangements on this subject to the caprices of authority. Every port—every station has laws of its own. If Naples be a little more stupid than Leghorn, to that the world must submit. If Corfu and Malta outbid Gibraltar in obstinate prejudices, so it must be—and all Her Majesty's subjects must bend to Ionian and Maltese despotism. If Marseilles goes beyond every other port in France in inquisitorial and ridiculous credulity—what avail the intelligence of Paris—or the complaints of mankind? It is high time that an end should be put to these local tyrannies! and he (Dr. Bowring) would venture to say that in the history of human folly and superstition, nothing would appear more incredible than the nonsense which has passed current from generation to generation on the subject of the plague. The light is however breaking through the darkness, and on every side evidence meets us showing the direction of opinion. Gaetano Bey the Physician to the Pacha of Egypt says:

> "The disease is arrested by the hot weather—it always ceases in the month of June, and this is the month in which the garments of those who die of the plague are sold in enormous quantities in the Arabian bazaars—no cases of plague are known he says beyond the limits of Thebes."

Clot Bey gives evidence of a rapidly growing conviction that the Quarantine system is a gross delusion. He himself has treated thousands of cases of plague, and he expresses a strong opinion that there is no contagion beyond the circle of miasmatic influence. Egypt has indeed had an opportunity of witnessing the more than inefficiency—the absolute mischievousness of the Quarantine system—it was introduced in 1831—four years afterwards the plague broke out in its most murderous shape, and 200,000 persons are supposed to have perished. Our Consul at Alexandria (Mr. Thurban) observed, that the Quarantine regulations were one of the main causes of the frightful spread of the disease, and it was by their removal that its ravages were checked. In examining personally into the stories which are propagated respecting the communication of the plague, he (Dr. Bowring) had found for the most part that invention and exaggeration had been equally at work. Let any one read the nonsense written to account for the introduction of the plague at Malta in 1813. A smuggler is caught,—he is confined,—he is liberated, because no marks of disease appear, but before his confinement (it is averred), he had been drinking with the husband of a washerwoman, who had washed a pair of pantaloons from a plague country,—these pantaloons were the introducers of the plague. In the case of Borg, one of the earliest sufferers, the case is thus made out; he bought some linen to line shoes from a Jew, and the linen had come from Alexandria—but the Jew had never caught the plague,—and the linen had undergone the usual processes of Quarantine and purification. So another case quoted by Dr. Robinson and Dr. Hancock from Tully, where an old woman had received some money wrapt up in calico, for the purpose of being thrown over a stream of water—she was not seized with the plague herself—but communicated it (never having had it) to her daughter. Who can wonder at the conclusion to which Dr. Ferguson comes; that

> "Quarantines upon merchandise are as vexatious as they are nugatory, and that upon living importation they may be modified without risk."

Why should there be any Quarantine where vessels come with their Bills of Health, and there is no disease on board? Why should it apply only to arrivals from the Mediterranean, while against the yellow fever of Mexico, the West Indies and the United States no precautions are taken? The reason is obvious. The Italian States had no intercourse with these countries, or their Boards of Health would soon have entangled them in the net of their legislation. But all sanatory regulations are turned adrift when very great men are concerned. In such cases who dreams of the public health? The Parliamentary Papers show how the Sanatory Laws were lately violated to avoid inconvenience to the Grand Duke Michael, and the French Princes. Our Governor at Malta can set them aside to gratify Redchid Pacha and his children. Our Consul at Damascus (Mr. Wood), does not hesitate to order the putting off or putting on Quarantine to serve the political purposes of the moment (Oriental Correspondence p. 51); nor ought it to be forgotton, that for the purpose of political *espionage* the Quarantine system was maintained by many countries. He had himself witnessed the opening of despatches addressed to the British Government for the professed purposes of fumigation,—but no doubt really to learn their contents. The Committee of Post Office Inquiry should look into this mode of violating correspondence,—for it had long been,—and was still practised on a large scale. No doubt, to the benefits of pecuniary gain, the Quarantine system added the pleasure of power—power unchecked—arbitrary—irresponsible—often exercised with the most capricious harbness—for the most provoking annoyances are often associated with the grossest injuries. To the merchant, the freight and the cost of goods were increased—they were subject to damages from delay,—to loss of market—and they were encumbered with heavy additional charges,—all falling upon the consumer indeed—but for the personal grievances no compensation could be found—the most childish interferences,—the most ungovernable caprices, — needless detentions,—long imprisonments in Lazzarets,—in vessels,—dangers from disease,—mental anxiety,—denial of necessaries and comforts—solitary seclusion—the violations of domicile,—in a word the subjugation of free men to all the visitations of uncontrolled authority,—are among the grievances complained of, and which ought to be redressed. At all events, great and speedy modifications of the system should be introduced. A Russian Commission sent to investigate the plague, reports from Cairo in June, 1843, that they had collected a large quantity of garments which had been thoroughly impregnated with the matter of the plague, and that they had been exposed during forty-eight hours to a heat of from fifty to sixty of Reaumur, that this heat can be easily and cheaply applied to bales of cotton and wool however compressed,—that it does not deteriorate the staple of the material,—nor affect the colour however delicate,—nor alter the lustre of metallic substances,—that sixty-six persons were compelled to wear these garments for fifteen continuous days, and that no case of plague appeared. The letter which communicates these important facts states that of thirty-five European physicians now settled in Egypt, scarcely any believe in the doctrine of contagion, and none (except those in the pay of the Sanità), are favourable to the Quarantine system. He (Dr. Bowring) had frequently used the opportunity the House had given him of showing how the path was facilitated for important relaxations, by the evidence which was gradually accumulating from all sides. Dr. Abbott says, that while he believes, Egypt is never free from plague in forms more or less violent,—he never knew it to be imported,—that no Cordons have produced any benefit,—that they never arrested the disease,—and that he had been in the habit of handling and treating plague patients without hesitation; and never caught the disease. Dr. Laidlaw avers, that on examining the subject, he was struck with the gross exaggerations as to the contagion of plague, and that nothing but a dereliction of reason could give credence to the absurd and monstrous stories of the Levantine contagionists—he states, that except in certain states of the atmosphere there is no danger, and he gives numerous cases proving that the current theory of contagion is wholly unfounded. Dr. Gregson says,

> "I am not aware of having seen one case contagious—but on investigation, have found many so reported to be false. I feel confident, that contact will not produce the disease. Indeed those who saw most of it, cared the least. We dreaded the Quarantine more."

And Dr. Gavin after twenty-nine years experience in the Lazzaret at Malta, declares that neither by handling letters, or garments, or merchandise, or washing linen, from infected places, had any case of plague occurred, the number of persons performing Quarantine being from 800 to 1,000 a year. Clot Bey says,

> "The contagionists are not only so wrong-headed that they will neither see nor hear but they hate and persecute all those who would wish them to see and hear;"

And Dr. Aubert in his work on the plague, says,

> "In four years (he speaks of his residence in the East), I have been able only to hear of two pretended cases of contagion (his pages are crowded with evidence of the non-contagiousness of plague:) I have hunted in vain for any one fact demonstrating the communication of the plague as the consequence of mediate or immediate contact."

He acknowledges epidemic and endemic influence, but denies the theory of contagion altogether. The huge volume which has lately been laid on the Table of the House, contains evidence that considerable modifications in the Quarantine system have been introduced. Assuredly they have led to no evil consequences, and many proofs may be cited from that volume of the benefits growing out of the changes. It is somewhat humiliating to see Austria complaining of, and protesting against, the absurd severities of our Sanatory Code in the Ionian Islands; it is distressing to read the representations of our Admirals as to the damage done to Her Majesty's Service by the annoying interference of the Mediterranean Board of Health. A congress of the Great Powers was decided on in 1838, in order to consider what could be done in this matter. He (Dr. Bowring) knew not why it came to nought, but he trusted the negotiation would be resumed. There was much in the correspondence to show that the Governments of Austria, France, and England, felt that the existing state of things ought not to be maintained, and it was solely for the purpose of aiding the Executive in its attempts at further changes, that he proposed what he trusted the House would unanimously concur in, namely:—

> *Resolved.*—"That this House approves of the various relaxations of the Quarantine Laws and Regulations which have from time to time been introduced; and desires that such further relaxations may be urged upon the attention of Foreign Governments, and adopted at home, as may be found compatible with a due regard to the public health, and the commercial interests of the community."

Mr. *Gladstone* remarked that there was not sufficient difference between the hon. Member and himself to make it desirable that he should occupy the attention of the House at any length; he should confine himself to the Resolution proposed by the hon. Member, and to the actual question as it stood between us and foreign countries. The first part of the Resolution was, as he understood it, to express approbation at the relaxation of the Quarantine laws that had been made by this country; and the second part, that foreign governments should be urged to adopt similar relaxations: and that the Government of this and other countries should be requested to enter upon the consideration, whether further relaxations should not be made. The Resolution of the hon. Member was clearly in conformity with the spirit in which the Government had acted. When the Government came into office they found that the attention of the previous Government had been directed to this subject, and that it had endeavoured to induce foreign governments to relax their laws; but it had failed in its attempt. But this he imputed to the differences in other matters which had then arisen. Her Majesty's present

Government had introduced into the Quarantine laws of this country such relaxations as they thought could be expediently and safely made, and they had also drawn the attention of Foreign Powers to the subject, with the view of making similar relaxations. This, he admitted, was a matter in which men's minds might be strongly impressed as to the propriety of making most extensive relaxations, with the view of ultimately getting rid of those laws; but it might not be expedient to give effect at once to these opinions, as it might be productive of evil effects on the minds of foreigners, as they might be alarmed at the extent of the relaxation, and impose such regulations with respect to our ships as would operate as much greater restrictions on trade than existed at present. They had not yet arrived at such conclusions as to be able to pronounce a decided opinion as to whether the plague was contagious or non-contagious. As far as opinion went, he believed that the majority inclined towards the former. As, however, the hon. Member had truly said, that all the relaxations which had hitherto been made in these laws had been found safe and satisfactory in their results, therefore they had every inducement to extend relaxation. As far as regarded the Quarantine laws of this country, very important relaxations had been made by the Government under the powers conceded to them by the 6th George IV. Under the provisions of that Act, an Order in Council had been issued, dated the 6th of September, 1843, embodying these alterations and relaxations. The object of them was very materially to reduce the time for Quarantine as regarded ships and persons. At the present time our system of quarantine was much less stringent than that of the other great maritime powers in the Mediterranean—he meant more especially France and Austria. He admitted that previously to last year Austria had relaxed her Quarantine laws to a greater extent than we had; but at present, both as regarded persons and ships, that description of laws in this country was less stringent than those of Austria. He would shortly refer to some facts which would show this to be the case. Ships with clean Bills of Health, under our Quarantine laws, are now admitted after a pratique of twelve days, and of persons of five days; ships with suspicious bills were admitted after twenty days, and persons after eight; ships with foul bills from twenty-five to thirty days, and persons twenty days. Under the Austrian Quarantine laws, ships with clean bills were admitted after seventeen days, persons ten days; ships with suspicious bills twenty-two, and persons eighteen; ships with fou bills thirty-two days, and persons twenty-eight days. He need not remark on the French Quarantine laws, beyond observing that they were more stringent than those of Austria, and consequently of this country. He hoped that they might be able to come to an understanding in a short time, and that these Foreign Powers would be induced to come to some arrangement with this country on the subject. A proposition had been made to France, Austria, and other powers, as to having a meeting in Congress on this subject. From France a satisfactory answer had been received, and that Power had agreed to send a representative to this proposed Congress, the place of meeting of which had not yet been determined. Austria, also, two months ago, had sent a most favourable answer to the proposition. Austria said, however, that it would be better in the first place to have a medical examination, and a Report of its Quarantine officers on the subject, and it therefore asked for a postponement of the Congress for a period of six months. Of course no objection could be made to such a proposal; and although therefore there would be some delay, he entertained sanguine hopes that by the period when Parliament met again he might be enabled to announce further relaxations in the Quarantine laws. He believed that if France and Austria could be induced to adopt such regulations as were desirable that there would be no great difficulty as regarded the other powers in the Mediterranean. He would only add, that it was very desirable to keep within the line of safety; and maintaining, therefore, a due caution, he was anxious to go to farther relaxation.

Mr. *Hume* had heard the observations of the right hon. Gentleman with great satisfaction. Nothing could be more beneficial to the commercial relations of this country than a great relaxation, or even the entire removal, of the Quarantine laws. He hoped that the adoption of the Resolution proposed by his hon. Friend would strengthen the hands of the Government in the course which they had been pursuing.

Resolution agreed to.

THE NAVIGATION LAWS—RUSSIA.] Mr. *Wawn* rose to move for a statement of the equivalent advantages, if any, which have been granted to British navigation by the Russian Government, in consideration of the exemptions conceded by Her Majesty's Government to Russian ships, by the second separate Article of the Treaty of St. Petersburgh, of the 11th day of January, 1843, which reserves to Russian vessels

> "The exemption from Navigation Dues during the first three years, which is enjoyed by vessels built in Russia, and belonging to Russian subjects."

He had reason to believe that concessions had been given to Russian ships under this Treaty which gave them the greatest advantages over the owners of British ships, and which, if Her Majesty's Government could have contemplated before the Treaty was signed, they never would have conceded the point. He wished to learn from the right hon. Gentleman what advantages had been given to the owners of British ships as a return for their concession of our Navigation Laws. At present he had been informed that when a British vessel entered a Russian port all the provisions on board were put under seal until the vessel sailed, and they were obliged to obtain provisions from shore; this, he regarded as a great hardship, as no such restrictions are imposed on Russian vessels in this country.

Mr. *W. Gladstone* would not go into a lengthened explanation on the subject, as he feared that he could not make it intelligible to the House without appearing tedious. The hon. Member had pointed out the advantages obtained by Russian ships entering our ports in being exempted from the payment of navigation dues for three years: and he had then asked what equivalent advantages was given to British ships in Russian ports. It was the practice of this country, when making Navigation Treaties with countries whose commerce was in a backward state, to allow certain relaxations of our Navigation Laws, without claiming corresponding concessions. For instance, in our Navigation Treaties with some of the South American states, it was provided that the strict provisions of our Navigation Laws, as regarded the owners and the manning, which were refused with regard to the ships of more important commercial states, should not be enforced. In many of those Treaties it was allowed that the ships of these countries might claim the benefit of the exemptions granted by these Treaties, although the ships were not navigated in conformity with our Navigation Laws. He had stated this to show that the principle alluded to in the Navigation Treaty with Russia was not entirely new. He would now give a direct reply as to the advantages given to British vessels under this Treaty, which were not awarded to Russian vessels in our ports, and this advantage was to be considered as an equivalent for the non-claiming navigation dues for three years on Russian ships. He would reply, without going at length into the terms of the Treaty, that the privilege of equality with Russian ships, as regarded dues and treatment in all respects in Russian ports, was to be conceded to British ships coming from any part of the world. That was, that our vessels might trade from a third country, as it was termed, as well as direct from this country. For instance, that a British vessel might at once proceed to a Russian port with a cargo from Brazils, without coming to an English port. He conceived that this might be regarded as being a fully counteracting advantage. Such a concession, with regard to fees, might not be expedient as regarded the ships of a great maritime power, but in the case of a power like Russia, whose vessels must compete with us under disadvantages, he thought such a concession but proper and reasonable. As for the statement respecting the difference of treatment of British and Russian ships as regarded provisions, he could only say that he had not heard of it before; but if any such case were made known to the Government, proper representations would be made to the Russian Government on the subject. There was, however, a case which had recently been brought under the notice of the Government, and with respect to which representations had been made to the Russian Government. He alluded to the great difference in the duty on herrings imported into Russia from Sweden and Norway and from this country. He was not prepared to make a definite statement on the point, as the correspondence with the Russian Government was still being carried on. With regard to the Motion, he would not accede to it; and indeed it was evidently one which the hon. Member had brought forward with the view of raising a discussion, and the information moved for could not be embodied in any return. All the information which the hon. Member required might be gathered from the face of the Treaty itself.

Motion withdrawn.

IRISH MAGISTRACY — MR. O'DRISCOLL.] Mr. *Ross* rose to direct the attention of the House to the grounds of the Motion with which he intended to conclude. He could say without affectation that up to that moment he had not been able to divest himself of a sense of the deficiencies under which he laboured in speaking before men, many of whom were, or ought to be, the first men in the nation. He appeared before the House to night in a new character—in a character distasteful to his own feelings—as a public accuser, and to impugn on some points a man for whose conduct in other matters he entertained great respect. He had also to accuse a Gentleman of advanced years and infirm health, a gentleman subject to a malady, as he had heard from the hon. Member for Cork, which above all others was calculated to cloud the intellect and sour the temper. If, in those circumstances, he found a disqualification for the magistracy, and at the same time a palliation for the conduct which that gentleman had pursued, it was no wonder that he felt, on this occasion, in addressing the House more than ordinary embarrassment. He knew nothing of that gentleman, except so far as related to those circumstances which were unfortunately for himself and for the country in which he resided notorious, and he could assure the House that no consideration of a party character could have induced him to bring forward a charge against an innocent man, or one who might be presumed to be innocent, or whose offence was of a venial character. When, on a former occasion, he put a question on this subject, the noble Lord opposite (Lord Eliot) rebuked him, because he described the conduct of Mr. O'Driscoll as insulting towards the bench, and tyrannical towards the individuals who had complained against him. Was not the noble Lord aware that Mr. O'Driscoll had apologized to the bench and admitted that he had insulted them, and, if that were the case, had not he (Mr. Ross) a right to say, that Mr. O'Driscoll's conduct was insulting? He had a perfect right, and if he sat down without convincing every rational man who heard him that the conduct of Mr. O'Driscoll towards the individuals he referred to—Sullivan, Dempsey, and Dineen, was in every respect tyrannical, he deserved to be called a calumniator. In showing that such was the conduct of Mr. O'Driscoll, he should refer to documents which had been laid on the Table of the House of Lords, and to the uncontradicted statements in the public newspapers. It appeared from the complaint of Dineen, addressed to the Lord Chancellor of Ireland, that a man named Sullivan, a tenant of Mr. O'Driscoll, had fallen into arrear for rent, but not of a large amount; that in consequence of the arrear a distress was levied at a time when only a half year's rent was due. The distress was levied by a man named Hurley, who was what was called the "driver" of Mr. O'Driscoll, and he swept away everything from Sullivan, his cow, his ass, and even the potatoes he had for the support of his family. He felt it impossible to describe the feeling with which he read an account of that case. The counsel asked the witness Hurley, "Did you leave the unfortunate wretches a potatoe for their starving children?" and the answer of the witness was, "They stole some." That horrified him when he read it. They stole some! The starving family were obliged to steal some of the potatoes which were their only means of subsistence. It was not enough to take the cow and the ass, but the very potatoes which were to support the man's family were taken away. But that was not all. Sullivan had passed a bill for a half year's rent to Mr. O'Driscoll, and Mr. O'Driscoll had received the money for that bill at the time of the distraint. If on other grounds the Lord Chancellor of Ireland thought fit to put Mr. O'Driscoll out of the commission of the peace, this conduct to which he was directing their attention was an element to be taken into consideration as regarded his reinstatement. Hurley the "driver," in his cross-examination stated that he believed it was customary on the estate of Mr. O'Driscoll for tenants to sign a bill for rent before it became due, and the assistant barrister, before whom the case was tried, asked Mr. Bird the agent of Mr. O'Driscoll, if Mr. O'Driscoll had the money received upon the bill in his pocket when he made the distraint? To which question Hurley answered "He had sir." He then asked if the bill was due at the time at which the distraint was levied, and he answered that it was not, but he added in answer to a question from Mr. Galway at the suggestion of Mr. O'Driscoll, that he had not distrained at the suggestion of Mr. O'Driscoll, for that gentleman allowed him to act as he pleased. Now, with respect to Dineen. His land adjoined Sullivan's; and when the distress was made, the hedge dividing the farms was broken down, in consequence of which Dineen's cow strayed in upon Sullivan's land, and was seized. The cow was afterwards driven away by some friend of Dineen's: and Mr. O'Driscoll, suspecting that Dineen knew who the man was, summoned him to his own house, in order to obtain that information. Dineen obeyed the summons, and then came one of those parlour scenes which he (Mr. Ross) had hoped had terminated for ever in Ireland with the passing of the Petit Sessions Act. Mr. O'Driscoll having summoned Dineen to his house in his own case, presented a Bible to him, and asked him to swear to a certain fact, which he did not think himself bound to do, and Mr. O'Driscoll then said he would oblige him to answer, for that he knew who took away the cow. Dineen still refused, and in consequence of that refusal he was taken into custody by Mr. O'Driscoll, and brought to the house of Mr. Galway another magistrate, but he still refused to answer, and he was then sent to Bridewell and incarcerated four days without any committal or form of authority, for such imprisonment. He was kept in gaol till the fourth day, when he was brought before the magistrates, and they considering him contumacious, he was again committed from the 4th to the 13th. On that occasion the conduct of Mr. O'Driscoll was such that his brother magistrates remonstrated with him. Dineen made a complaint of those circumstances to the Lord Chancellor of Ireland; he stated that Mr. O'Driscoll had acted as a magistrate in his own case and had illegally committed him to prison. However, before Dineen's case went to the Lord Chancellor, another case occurred in which Mr. O'Driscoll was concerned. Mr. O'Driscoll went out on a hunting party with some friends, whilst he was out hunting he heard a shot fired, and he suspected that some person was poaching in the neighbourhood. He presently saw some little boys, and he rode at them, according to their account furiously; but according to his own account very quietly; however, whether it was the character of the man which frightened them or the manner in which Mr. O'Driscoll rode at them, they ran away in terror, and Mr. O'Driscoll on his hunter pursued them. The mighty hunter continued to pursue these little boys, and one of the little creatures named Dempsey was so terrified that he run into a neighbouring cottage, and hid himself under a bed. Mr. O'Driscoll followed him to the cottage, and desired, in language which he would not repeat to the House, that the child should be given up to him. In this part of the statement there was a flat contradiction between the account which the woman who lived in the cottage and the child gave, and the accounts which Mr. O'Driscoll gave. Mr. O'Driscoll said the child was not terrified, and that he asked the woman in a calm and quiet manner to send out the child. If the child were not frightened how then did it happen, that he fell upon his knees before Mr. O'Driscoll and asked his pardon. He must have been terrified, for the woman who lived in the cottage requested the child to go out as her own children were terrified, and said "Sure he will not hurt such a little creature as you." The little boy was then sent out, and Mr. O'Driscoll made a noose with his whip, in order to drag the child along with him, and he took credit to himself that he did not double thong the boy—that he did not beat him with the whip and the handle, for he said he merely struck him with the lash of the whip; but that was not the statement of the boy himself, for according to the boy's deposition, and the deposition of the woman who witnessed the transaction, he cruelly beat the little boy. That was the woman's and the boy's account, and the magistrates believed it, for they fined Mr. O'Driscoll forty shillings—one pound for public purposes, and the other to compensate the little boy Dempsey for the injury which he had received. But what was Mr. O'Driscoll's conduct on that occasion? He said he had not been done justice to, and that if it had been any other person against whom the charge was made, there would have been only a fine of five shillings awarded; and he told the Bench, in the most insolent manner, that their conduct was partial and unjust. It was said indeed by Gentlemen on the opposite side, that he made an ample apology. It appeared, however, that it was a sullen, grumbling, half apology which he made. After Mr. O'Driscoll had conducted himself in this manner, he met a stipendiary magistrate, Mr. Gore Jones, who persuaded him to return to the Court and make an apology to the Bench. Mr. O'Driscoll did make an apology except to Mr. Fleming, one of the magistrates, who had displeased him more than the others. The Chairman, however, refused to accept of an apology, unless it included all the Bench, and Mr. O'Driscoll then tendered an apology to the whole Bench. He would there observe, that up to this period, when the Lord

Chancellor cancelled his former act—a righteous act—he was desirous to speak in no terms but those of praise of the noble and learned Lord; but when the Lord Chancellor was convinced that Mr. O'Driscoll had conducted himself in a manner which unfitted him to be a magistrate, why should he afterwards reinstate him in the Commission of the Peace? Mr. O'Driscoll wished to be let down easily; when he was about to be dismissed he pressed hard to be allowed to retire quietly on the score of age and infirmities—he begged and prayed that a triumph might not be given to his enemies, and said that if allowed to sit with his brother magistrates for a short time, he would take no part in their proceedings. The Lord Chancellor, however, told him it was on public grounds his dismissal was resolved upon, and his request refused. He did not bring forward this subject for the sake of Dineen, or Dempsey, or Sullivan, but for principle; for these were dangerous times in which to tamper with the feelings of the people of Ireland. With respect to the requisition calling for the restoration of Mr. O'Driscoll to the Commission of the Peace, they all knew, at least those who were acquainted with Ireland knew, that nothing was more easy than to get signatures to such a requisition by sending the baliff or agent round with an intimation that the landlord of the tenants amongs whom it might be sent was desirous that they should sign it. Nothing was more easy than to get up a requisition, but if that requisition was sufficient to obtain the restoration of Mr. O'Driscoll, then he would undertake to say that he could get a requistion calling for his dismissal signed by a 100 names for every one which was attached to the repuisition for his restoration. There was a strong feeling abroad that nothing but direct influence of the description to which he alluded on the tenantry could have obtained that requisition. If Mr. O'Driscoll had been deemed by the Chancellor unfit to continue in the Commission of the Peace some time since, what had occurred to alter that unfitness. He was not popular; but unpopularity appeared to be a good ground of promotion and advancement with this Government. It was only the other day that Mr. O'Brien, one of the most unpopular men in Ireland, who was distinguished for nothing but the most virulent attacks on the man who was the idol of the Irish people, had received an appointment. He lamented the turn which this affair had taken. It excited the hopes of one party, and depressed another. It was the duty of the Government to hold the balance fairly between all parties, and inspire the people with confidence in the justice of those in authority, and not to pursue a course which would destroy all confidence in the Government, and alienate the hearts of the people beyond the hope of recovery. The hon. Member concluded by moving,

> "That an humble Address be presented to Her Majesty, praying for the removal of Mr. Alexander O'Driscoll from the Commission of the Peace."

Mr. *Dillon Browne* rose to second the Motion. He would ask the Government if the restoration of Mr. O'Driscoll to the magistracy was calculated to promote tranquillity in Ireland, or give satisfaction to the people? If Mr. O'Driscoll had not been restored, would the most violent supporters of the Government have blamed the Lord Chancellor? This gentleman, who was restored to the Commission of the Peace, had violated the laws of the country, and outraged the liberty of the subject, by a violent assault upon an unoffending individual. Mr. O'Driscoll had been guilty of a gross contempt of court. He said that justice had not been done him by the Bench. Certainly it had not, for the case ought to have been sent to the assizes. Because Mr. O'Driscoll was splenatic and irritable, that was no reason why he should be allowed to violate the law. The opinion of the public was that Mr. O'Driscoll was restored to the Bench either as a criminal or a madman; either a man who had committed grave crimes, or one who was subject to a malady that rendered the administration of justice in his hands a delusion and a mockery. And why was this gentleman restored? in consequence of a sanatory certificate, or bill of health, signed by 2,900 non-medical persons of his restoration to magisterial capacity. If he chose to say that in consequence of ill health he had attended repeal meetings last year, but that he was now restored to health, would the Government reinstate him in the Commission of the Peace. This was one of those farces in the administration of justice in Ireland; which, however, were attended with such melancholy consequences. He contended that it was not the part of a gentleman to strike any one; certainly not to strike his inferior; and if the person whom Mr. O'Driscoll assaulted had been a man, and had retaliated, he might have slain Mr. O'Driscoll and been hanged, or at least transported, in consequence of the intemperance of this man who had been restored. He was sorry that the noble Lord, the Secretary for Ireland, had deviated from the professions of impartiality which he had made upon entering upon his career of office, and countenanced measures which were calculated to alienate the feelings and destroy the confidence of the Irish people, instead of conciliating their affections, and impressing them with respect for the administration of justice. He would appeal to the right hon. Gentleman, at the head of the Government, who would, he believed, if unembarrassed by party, be more inclined to do justice to Ireland, and for whose opinions he had a greater respect than for any other Member of the Government, whether the restoration of this man to the Commission of the Peace was calculated to remove the dissatisfaction and discontent which prevailed in Ireland.

Lord *Eliot* was far from denying that there might be circumstances in which it would be the duty of that House to address Her Majesty to remove a Magistrate from the Commission of the Peace, but he thought that when a Member called upon the House thus to interfere with the Prerogative of the Crown, exercised by its highest Law Officer, the Keeper of the Great Seal, he ought to be prepared to show that the power had been exercised either corruptly or mischievously. The removal and the restoration of Mr. O'Driscoll were judicial acts which had not been done without mature deliberation by his right hon. Friend, the Lord Chancellor of Ireland, to whose talent, application, and attainments, he believed the whole Bar of Ireland did justice. He (Lord Eliot) did not stand up as the apologist of Mr. O'Driscoll. On the contrary, he frankly admitted, in the fullest sense of the term, that the acts for which that Gentleman had been removed by his right hon. Friend were highly blameable; but he said that the case had been too highly coloured on the other side; and although he did not assert that Dineen was less credible than Mr. O'Driscoll, yet he maintained that upon points on which the magistrates expressed no opinion, Mr. O'Driscoll's testimony was at least equally entitled to belief. And yet the hon. Gentleman opposite entirely overlooked it, although, in some particulars, it was confirmed by the Bench of Magistrates. It appeared that the boy Dempsey was not himself anxious to make any complaint; and it also appeared that his person did not present any bruises or marks of blood as if he had been severely injured. Mr. O'Driscoll himself declared, that he had struck the boy with his whip but once; although, on the other side it was stated that he had struck him three times. For the assault the magistrates fined him 40*s.* and costs, against which Mr. O'Driscoll remonstrated in very unbecoming terms, he admitted; but his apology was accepted by his brother magistrates, and, therefore, it would appear that they did not consider his offence to be one of such enormity as was represented by the hon. Gentleman. And those magistrates are amongst the persons who petitioned the Lord Chancellor for his restoration, on the ground that he might with advantage be restored to the Commission of the Peace, which he had held for many years with credit to himself and benefit to the public. The hon. Gentleman complained of his having laid great stress upon the state of Mr. O'Driscoll's health. He certainly had stated it as one of the grounds assigned by the Lord Chancellor—none of which would have been sufficient of itself—but which, taken altogether, amounted to a justification of his removal. Such was the representation made to the Lord Chancellor for him to take into his consideration. Mr. O'Driscoll was not connected with persons of wealth or of power, but was a gentleman of ancient family, who had lived for many years constantly on his estate, dispensing charity, and had acted for thirty years as a magistrate. Under such circumstances, he trusted that the House would come to the conclusion that the course that had been taken, though Gentlemen opposite might not, under similar circumstances, think would be deemed the best and wisest to pursue, yet, on the part of his right hon. Friend, was one which the Government sanctioned as desirable to adopt, and as being in accordance with the wishes of a large portion of the community.

Mr. *R. More O'Ferrall* remarked, that the question before the House was, that an Address should be presented to Her Majesty for the dismissal of Mr. O'Driscoll from the Magistracy. He thought that the hon. Member for Belfast had had satisfactory grounds to show that Mr. O'Driscoll had been properly dismissed, and improperly restored. The noble Lord, the Secretary for Ireland had risen for the purpose of replying, and he took it for granted that the object of the noble Lord in rising was to show that Mr. O'Driscoll had been properly restored. He now, then, appealed to the House—to every Gentleman in that House, who had heard the statement of the noble Lord—whether he had alleged a single ground for the restoration of Mr. O'Driscoll. There was an endeavour here to throw the responsibility of his restoration upon the Lord Chancellor of Ireland. He said of the Lord Chancellor, that there never was a man who held office in that country of higher character, or who deserved more the respect and confidence of every gentleman in that country. They had to recollect that the Lord Chancellor had gone to Ireland with English notions —that he supposed that every man who was a magistrate in Ireland was suited for the discharge of the functions of that office; that he was fitted, by his temper, education, habits, and moderation, for a seat on the Bench; and that, if such a man were betrayed into a momentary forgetfulness of himself, it might not be an unfitting exercise of mercy to restore him to the position which he had lost. So far, however, was this from being the case, that they should recollect that in Ireland some of the greatest evils that afflicted that country had arisen from the misconduct of those entrusted with the administration of justice, and from many of the magistrates themselves had arisen those very crimes which that House were so often called upon to legislate against. In such a state the Lord Chancellor required years of experience before he could deal with the circumstances that surrounded him. He ought to have been intreated not to proceed until he had acquired information from those connected with the country. He said that the Lord Chancellor ought to have been referred to some one connected with Ireland, and having shown to such person the grounds for dismissal; he was sure that the Chancellor would have been recommended, if he were anxious for the peace of Ireland, and to maintain respect for the law in that country, not to restore such a person to the Commission of the Peace. He ventured to say that there was not one man on the other side of the House who would not, under such circumstances, have given this advice. He himself had frequently been asked by gentlemen in this country why it was that the peasantry had their combinations—why it was that they entered into illegal associations to commit crime? His answer was, they would find a reason for these things in the case of Mr. O'Driscoll. The right hon. Gentleman, the First Lord of the Treasury, had appointed a Commission, for the purpose of inquiring into the relations of landlords and tenants in Ireland. It was a most useful Act. It was done, he was sure, in perfect sincerity, and if the right hon. Gentleman's intentions were carried out, he was convinced it would be attended with most useful results, and from that Commission many cases similar to the present would be brought forward. The right hon. Gentleman recapitulated the facts of the case, and continued. One of the cattle of Dineen, a neighbour of Sullivan's, was allowed to go on the farm of the unfortunate Sullivan. O'Driscoll, seeing the cattle on the land, put the law shortly in force—he took away the cow for the purpose of selling it for Sullivan's rent. He was taking away the property of one man to pay rent for a farm with which he had nothing to do; the property of a man who had nothing to do with O'Driscoll and nothing to do with Sullivan. It was a natural feeling for any man, even supposing him to have a knowledge of the law, but how much more so for one ignorant of the law, that he should feel incensed when he saw his cattle, that had strayed upon the land of the other, seized upon and appropriated to the payment of rent with which he had nothing to do. He might, to be sure, have resorted to a replevin, but how was he to go through all the processes of recovering his own property at the end of two or three months? He took the law into his own hands, and he acted as the magistrate afterwards did in his own case. Let them, then, see what had happened. Dineen was brought by one magistrate before another and committed to Bridewell, and for his conduct in this proceeding Mr. O'Driscoll was dismissed — and then restored! What do the peasantry say to these things? Dineen was unjustly treated, Sullivan harshly, and O'Driscoll has been convicted of illegal conduct and tyrannical proceedings, and yet he has been restored to the Commission of the Peace without any reason whatever having been given for his restoration. There, then, was the origin of illegal combinations, and of those crimes against which punishments were enacted. The poor man seeing that there is no law nor justice for him, and sometimes when it chanced that law and justice combined to punish the rich, yet that immediately afterwards, and without rhyme or reason, the rich man was restored to his position, the poor believed that there was no justice for them. Various scenes of this kind occurred, and finding them to occur, the peasantry said, "Let us all combine together—let us bind ourselves by oaths to resist tyranny, and then we may have a chance to get justice." That this was the cause of these combinations, to suppress which the Government now sought to pass one of the most monstrous acts, and a more monstrous act had never been passed. If the Government wished to put down illegal combinations, they must deal out equal justice to the rich and to the poor, and if a magistrate transgressed the law, he should not without a sufficient reason be restored. He asked the House if the noble Lord had established a single mitigatory circumstance in favour of Mr. O'Driscoll, upon whom, no one would be disposed to press hardly considering his time of life. What, he asked, had been alleged in favour of this Conservative Catholic? of this great acquisition to the Conservative party? What do they state of him? "Though a Roman Catholic." The Conservative friends of this Gentleman say—"Though a Catholic!" He said that the Roman Catholic who sought for such support, on such terms, must be the basest of men living. "Though a Catholic" it seemed that he might be considered a loyal man. Such was the spirit in which the Catholic was spoken of, that he might be actually regarded as a loyal man, "though a Roman Cathlic." The words of the memorial were, "Though a Roman Catholic, he never affected to conceal his sentiments." Meaning that Roman Catholics, as a body, did conceal their sentiments. And then it said, "he was, nevertheless, looked up to by persons of every creed." Yes, nevertheless his being a Roman Catholic, "as being entitled, on account of his integrity, to their confidence." And it seemed that Mr. O'Driscoll gave them no reason to regret their confidence, as he showed himself at all times ready to act against the unfortunate people. Any man in the position of a magistrate was bound to protect the poor; but for a Roman Catholic—he who knew what was the value of the poor—who must be aware of the sufferings they had endured for the sake of their religion —for such a man, a Roman Catholic too, to be found amongst the enemies and the oppressors of the poor—was doubly disgraceful to him, both by reason of his persuasion and his position.

Sir *James Graham* was anxious to address the House on this subject. They were not now trying the question as to whether Mr. O'Driscoll was a good or a bad landlord. Neither were they trying any question as to his religion or his politics; and he must, in passing, observe that the hon. Gentleman could not have read the memorial with attention, for he seemed to have conceived a wrong impression, as to the expression, "Though a Roman Catholic;" for as he understood the sentence, it meant this, that though Mr. O'Driscoll was a Roman Catholic, yet perfect confidence was placed in him by others, without reference to creed. As to the question that was before the House, it appeared to him to lie within a very narrow compass. The facts were undisputed. There might be palliation on the one, or exaggeration on the other; but it appeared from the statement of his noble Friend the Secretary for Ireland, that the conduct of Mr. O'Driscoll, which led to his being deprived of the Commission of the Peace, was, in the main, indefensible. Mr. O'Driscoll had arrested a person without a warrant, and had also beaten the boy, and still more, on being fined by the Bench, he denied, in terms of discourtesy, that justice had been done to him. In all these transactions the conduct of Mr. O'Driscoll was indefensible, and he thought that the Lord Chancellor was right in removing Mr. O'Driscoll from the Commission of the Peace. He begged of the House to consider that the removal of Magistrates in Ireland was of a twofold character. It may be either judicial, as relating to the conduct of a person as a Magistrate, or it may be a political act on the part of the Lord Chancellor, in which latter case it is more Ministerial than judicial. He thought it might be seen from the representations of this case that the decisions of the Lord Chancellor upon it were purely judicial, and not in the slightest degree of a political character. The removal was a judicial act, and in the restoration to the Commission there was neither directly nor indirectly an application made of a political character. The Lord Chancellor, when he decided on the removal of Mr. O'Driscoll, as well as when he determined upon restoring him, was not actuated by any political consideration. A compliment had been paid, and no one he was sure would think unjustly, to the judicial character of his right hon. Friend, Sir Edward Sugden, to whom might truly be applied those words of the poet upon another judge—

"In Israel's courts ne'er sat an Abethdin,
With more discerning eyes, or hands more clean,
Unbrib'd, unsought, the wretched to redress;
Swift of dispatch, and easy of access."

The Lord Chancellor had considered, under all the circumstances, and upon receiving a memorial signed by the Lord Lieutenant of the county, a considerable number of the gentry, and by three thousand persons without distinction of political opinions or religious belief, that in mercy Mr. O'Driscoll could properly be restored to the Commission of the Peace. The question was, had or had not Sir E. Sugden acted justly or properly, or unjustly or improperly? He could not think that, viewing all the circumstances of the case, that they would pass a censure on the Lord Chancellor of Ireland. He was the last person who would wish to see the least taint cast upon the administration of justice in Ireland. He thought that the even tenor of justice was indispensable, in the present unhappy and divided state of that country. He was sure that it was his desire to maintain justice, and that it should be administered with care and caution. He admitted that he thought this subject a very proper one for the House to consider. But believing that the Lord Chancellor of Ireland had acted properly in all that he had done in regard to it, both in the dismissal of Mr. O'Driscoll and in his subsequent restoration to the Bench, and being quite willing to take his share in the responsibility of those acts, he still confidently appealed to a favourable decision from the House on the present occasion.

Mr. *Sheil*: The reference made by the right hon. Baronet to Dryden's celebrated lines is unfortunate—for if Ashley Cooper was eminent for his merits as a judge, as ex-statesman, as the leader of the Cabal, he has incurred the censure of history, and may be quoted as a proof that judicial virtue may be associated with political imperfections of no ordinary kind. Sir Edward Sugden to whom the right hon. Baronet has thought it judicious to apply the passage from the great poet, is a sorry politician indeed. The judicial duties of the Lord Chancellor are so distinct from his political functions, and the qualifications for their discharge are so different, that it has been often and not unwisely suggested, that they ought not to be associated, and that to the same individual questions of law and of public policy ought no longer to be submitted. A man who has passed the better part of his life in Lincoln's Inn, whose political horizon is almost as bounded as the prospect which he surveys from that domicile of conveyancers and of special pleaders; who has for twenty years, perhaps, expended twelve hours a day in the minute disquisitions of an almost scholastic profession, is nearly disqualified for the great functions which are suddenly imposed upon him, upon his elevation to the office to which so much political power is attached as that of Lord Chancellor of Ireland. Transferred from the contentions merely forensic, to the tempestuous agitation of Irish politics, he must be utterly bewildered and at a loss what to do. He must feel the utmost difficulty in regulating his course, and instead of acting on great principles and looking at high and conspicuous beacons, it is, if I may venture so to say, by what lawyers call the *scintilla juris*, that he is likely to steer his way. He is, as I have already observed an excellent judge, most anxious to do justice between man and man. But when he comes to arbitrate between contending parties, he is rash, precipitate and capricious, and affords too much reason to lament that with good intentions, so little capacity for their realization is combined. In dismissing and restoring magistrates, Sir Edward Sugden performs a political and not a judicial duty. The contrary has been alleged by the right hon. Baronet, but surely the right hon. Baronet will not maintain that, in depriving gentlemen of the Commission of the Peace for attending repeal meetings, he has not acted as a politician, and as a minister of the Crown, entrusted with executive power. Men of the highest respectability have been removed from the list of magistrates, merely for no other reason than their expression of an opinion favourable to the restoration of an Irish Parliament, while Mr. Alexander O'Driscoll has been restored to the Bench, under circumstances which Her Majesty's Ministers have found it more than difficult to excuse. How stand the facts? Mr. O'Driscoll distraining for rent due by his tenant Sullivan. He seises his potatoes, the only sustenance of the poor man's family, and causes several hundred cart loads of that miserable food to be conveyed to his own haggard. He distrains a second time. Sullivan's field is contiguous to Dineen's. Dineen's cattle stray through a gap into Sullivan's land, and Hurly, O'Driscoll's driver, seizes them for Sullivan's rent; they are rescued by a man whom Hurly does not know. O'Driscoll, acting in his own case, issues a summons signed by himself as a magistrate, and causes Dineen to be brought before him. He was wrong, says Sir Edward Sugden, in acting in his own case. We shall presently see what sort of case it was, but the phrase employed by the Lord Chancellor of Ireland was peculiarly mitigated, and indicates far less resentment than was to be expected from him. But does O'Driscoll content himself with issuing a summons? He causes Dineen to be confined in a Bridewell without a commitment, or a legal authority of any kind. It was observed, indeed, that it was Mr. Galway who had ordered Dineen to be imprisoned. But it is beyond controversy that it was at O'Driscoll's instance that this outrage was committed, and that O'Driscoll accompanied the police, in whose custody Dineen went to prison. Dineen was two days afterwards brought before the magistrates at Petty Sessions, and in the investigation of the case, what appeared? That Mr. O'Driscoll distrained for rent,—he had the amount in his pocket. You have issued a Commission to enquire into the relations of landlord and tenant in Ireland; you have expressed deep sympathy with the unfortunate occupiers of the soil, and the Lord Chancellor of Ireland with such facts before him, contents himself with stating that Mr. O,Driscoll was in the wrong, but that Dineen must be left to his remedy at law. At the very time that the enquiry into these facts was going on, another incident occurred, or rather another series of outrages commenced, at which even Sir Edward Sugden for a moment became indignant, although his virtuous anger underwent a rapid process of refrigeration. O'Driscoll himself, in his account of these transactions, has unwittingly presented to us a picture, which it would be difficult to exaggerate. He says, that when he was out hunting he saw a crowd of people and that one of them discharged a gun; the crowd ran away—O'Driscoll followed a boy, who sought refuge in the house of a poor woman, who begged O'Driscoll to have mercy on him. O'Driscoll insisted that the boy should be brought forward, and there being some delay, he himself, with his whip, coiled round the boy's neck, then dragged him out of the house. The boy fell on his knees, and as was sworn by the boy, and by a girl, who corroborated his testimony in every particular, he was cruelly horsewhipped by O'Driscoll. The case was brought before the Petty Sessions—Mr. O'Driscoll was fined by his brother magistrates, a sum of 1*l.* and charged 1*l.* for costs. Whereupon Mr. O'Driscoll broke out into a most vehement denunciation of the magistrates challenged the whole Bench to fight him, and gave the chairman to understand, that he would transmit to him a three cornered note. When the attention of the Lord Chancellor was drawn to these facts he called for an explanation, O'Driscoll made light of the matter, called the boy a poaching urchin, and relied on his being a Conservative Catholic. Sir Edward Sugden dismissed O'Driscoll. But if he acted with propriety in dismissing him, for his restoration it follows that he deserves the most unqualified condemnation. What fact occurred, what single circumstance was presented to the consideration of Sir Edward Sugden, by which he ought to have been induced to reverse his decision? Did the memorial, which was signed in favour of Mr. O'Driscoll, affect in the least degree the merits of the case? Was a single fact disputed? The memorial was signed by Lord Kingston. But Lord Kingston lives at a distance of thirty miles from Skibereen and had no knowledge of the circumstances. Did a single Roman Catholic clergyman sign the memorial, or was it signed by any one man, who can be supposed to have any knowledge of the feelings of the people in the neighbourhood, where Mr. O'Driscoll exercised his magisterial functions? It is perfectly manifest from Mr. O'Driscoll's own statement, that the memorial was got up through the instrumentality of Mr. O'Driscoll's Conservative associates in the county of Cork, and that his restoration was made by them a party object. The memorialists do not dispute the truth of any one of the charges adduced against Mr. O'Driscoll. Those charges have indeed been extenuated in another place, and Lord Wharncliffe is reported to have stated, that an allowance is to be made for a man, who beats a boy in the excitement of sport. The love of sport is English, but the assault upon a child is utterly the reverse, and I believe that there is scarce a man in this House who would not give up his hounds for ever, than act the part which Mr. O'Driscoll has pursued. Indeed my Lord Wharncliffe is the only individual of any weight by which this palliation for the conduct of Mr. O'Driscoll has been suggested; and a defence of this kind instead of reconciling the people of Cork to the restoration of Mr. O'Driscoll, is but an aggravation of the offence committed by the Government in their regard. Sir Edward Sugden does not appear to have taken the sentiments of the people, for whom Mr. O'Driscoll is recommissioned to administer justice, into any account. What must be the feelings of the peasantry, when they see lifted up to the Bench from the degradation to which he had been consigned, and by the very hand which had struck him down, a man, guilty towards his tenants of the most monstrous oppression, convicted of a gross outrage upon a poor child, and who had consummated his offences against humannity by a gladiatorial exhibition in the Court, where the Chancellor of Ireland has thought it becoming to appoint him to preside. Mr. O'Driscoll has been reappointed because he is a Catholic Conservative, but in point of policy as well as justice, a worse step could hardly have been adopted. But if the Lord Chancellor of Ireland has neglected his duty, let us not be forgetful of ours—and let the House of Commons to whom the Lord Chancellor of Ireland is responsible, interpose to rescue the magisterial bench from the discredit which must result to it from the restoration of a person so utterly unworthy of the trust so rashly confided to him, as the gentleman whom Sir Edward Sugden has selected as an object of favour of which by his political sympathies the only plausible solution is supplied.

Mr. *Bellew* agreed with the right hon. Baronet opposite, that this Motion could not be properly supported unless it was intended to accuse the Lord Chancellor of corrupt or improper conduct. He distinctly charged the Lord Chancellor with improper conduct in this case; and Her Majesty's Government, if they lent their sanction and authority to such a course of proceeding as had recently been going on in Ireland, in regard to the magistracy, would be utterly disabling themselves from carrying on the administration of the affairs of that country,

The House divided:—Ayes 59; Noes 92: Majority 33.

List of the Ayes.

Aglionby, H. A.
Aldam, W.
Archbold, R.
Arundel and Surrey, Earl of
Bannerman, A.
Bellew, R. M.
Bowes, J.
Bowring, Dr.
Brotherton, J.
Byng, rt. hn. G. S.
Chapman, B.
Colborne, hn. W. N.R.
Collett, J.
Craig, W. G.
Dawson, hon. T. V.
Denison, W. J.
Duncan, G.
Duncombe, T.
Dundas, Ad.
Esmonde, Sir T.
Forster, M.
Fox, C. R.
Gore, hon. R.
Hastie, A.
Hawes, B.
Hollond, R.
Howard, P. H.
Howard, Sir R.
Hutt, W.
M'Taggart, Sir J.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Murphy, F. S.
Norreys, Sir D. J.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Pechell, Capt.
Plumridge, Capt.
Ponsonby, hn. C. F. A.
Rawdon, Col.
Scott, R.
Sheil, rt. hn. R. L.
Shelburne, Earl of
Smith, J. A.
Smith, rt. hon. R. V.
Somerville, Sir W. M.
Strutt, E.
Tancred, H. W.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Walker, R.
Wawn, J. T.
Wyse, T.
Yorke, H. R.

TELLERS.
Ross, D. R.
Browne, R. D.

List of the Noes.

A'Court, Captain
Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Astell, W.
Bankes, G.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Baskerville, T. B. M.
Bateson, T.
Beckett, W.
Bentinck, Lord G.
Beresford, Major
Blackburne, J. I.
Blackstone, W. S.
Boldero, H. G.
Bowles, Ad.
Broadley, H.
Bruce, Lord E.
Bruges, W. H. L.
Buckley, E.
Bunbury, T.
Chelsea, Visct.
Clerk, Sir G.
Cockburn, rt. hn. Sir G.
Colvile, C. R.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Douglas, Sir C. E.
Douglas, J. D. S.
Eaton, R. J.
Eliot, Lord
Farnham, E. B.
Flower, Sir J.
Forbes, W.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Miles
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Grogan, E.
Hamilton, J. H.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hornby, J.
Hussey, T.
Ingestre, Visct.
Jermyn, Earl
Jones, Capt.
Kemble, H.
Knatchbull, rt. hn. Sir E.
Lennox, Lord A.
Lincoln, Earl of
Mackinnon, W. A.
Maclean, D.
Masterman, J.
Maxwell, hon. J. P.
Meynell, Capt.
Milnes, R. M.
Nicholl, rt. hon. J.
Patten, J. W.
Peel, rt. hn. Sir R.
Peel, J.
Pringle, A.
Rolleston, Col.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sheppard, T.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Sotheron, T. H. S.

Spooner, R.
Stanley, Lord
Stuart, H.
Sutton, hon. H. M.
Taylor, E.
Thesiger, Sir F.
Tollemache, hn. F. J.
Trench, Sir F. W.
Trotter, J.
Wodehouse, E.

TELLERS.
Young, J.
Baring, H.

House adjourned at one o'clock.

HOUSE OF COMMONS,

Wednesday, July 24, 1844.

MINUTES.] BILLS. *Public.*—1°. Woods and Forests Accounts; Grand Canal (Ireland); South Sea Company.

Reported.—Merchant Seamen; Ecclesiastical Jurisdictions; Three-and-a-Half per Cents. Dissentients.

3°. and passed:—Clerk of the Crown in Chancery; Marriages.

PETITIONS PRESENTED. By Mr. P. Stewart, from Scotland (10 Petitions), for Legalizing Presbyterian Marriages.—By Mr. Darby, from Sussex, against Repeal of the Corn Laws.—By Mr. Bouverie, from Highworth, and Faringdon, for Alteration of Property Tax Act.—By Mr. S. Wortley, from Sheffield, for Tax on Steam Sawing Machinery.—By Mr. Sheil, from Meath, against Charitable Bequests Bill.—By Mr. Macaulay, from Edinburgh, for Alteration of the Courts of Common Law Process Bills.—By Mr. Cowper, from Hunmanby, in favour of Fields Garden Bill.—By Mr. Pattison, from the Weavers Company, London, against Lecturers and Parish Clerks Bill.—By Captain Jones, from Newtown Limavady Union, respecting the Poor Relief (Ireland) Act.—By Mr. Bright, from Durham, complaining of Opening Letters at the Post Office.—By Mr. S. Davis, from Carmarthen, and by Colonel Powell, from Cardigan, for Compensation (Turnpike Trusts, South Wales, Bill).—By Col. Trevor, from Lampeter Road Trust, for Alteration of same.

TURNPIKE TRUSTS (SOUTH WALES).] On the question that the Speaker leave the Chair for the House to go into Committee on the Turnpike Trusts South Wales Bill,

Mr. *J. H. Vivian* said, he quite agreed with the general principle of the Bill, but it appeared to him that this was a great experiment to be applied to South Wales for the benefit of the whole kingdom at large. The Government ought to give power, if this measure should not succeed to the extent they calculated upon, to go one step further. He thought the great benefit that was to be derived from this measure was in effecting a saving of about 25 per cent. on the amount of taxes to be levied upon the public. One great objection which was entertained against this proposition was, that a great outlay of money would be incurred in the outset for erecting new toll-houses and new toll-gates at the distances which were proposed—being seven miles. He was afraid that this was likely to give rise to great dissatisfaction, for many parties would then be liable to toll who were now free. He moved,

"That it be an Instruction to the Committee that they have power to include highways and county bridges within the provisions of the Bill."

Sir *J. Graham* said, that no doubt this Bill, as it stood, was a tolerably large experiment, and he was not at present willing to extend its provisions or to go the whole length of saying that the stranger or the traveller should be exempted from contributing to the rates, still less was he disposed to embarrass this measure by extending it to highways. He hoped that this measure would be maturely considered in detail in Committee—it rested upon the Report of the Commission which was appointed to inquire into the subject, and many most useful and important suggestions which had been made on the subject had been considered and acted upon. He hoped that the House would consent to go into Committee, and then discuss the measure in detail, when every suggestion that could be made for the benefit of these counties would, if approved of, be introduced into the Bill. As far as he was concerned, he was anxious to give the details every consideration. Every argument that hon. Members thought necessary to bring forward could then be more properly made than at the present moment when he objected to enter upon this preliminary discussion.

Amendment negatived. House in Committee.

Clauses of the Bill with verbal Amendments read and agreed to.

House resumed.

Bill to be reported.

REVENUE INQUIRY—PUBLICATION OF THE EVIDENCE.] Mr. *Hume* said, after he had left the House last night a resolution had been come to, of which he wished to have some explanation. He held in his hand a document containing the evidence taken by the Revenue Commissioners relative to the Customs frauds, which the House had ordered to be published for the use of Members only. He wished to know what was the meaning of such an order?

Sir *J. Graham* said, the House some years ago had got into very considerable trouble in consequence of an indiscriminate publication of the evidence taken before a Committee of that House. When a new law, giving power to the House to publish their proceedings with more facilities and without risk, was passed, an understanding was come to that when any of their proceedings were calculated to prejudice any person or wound the feelings, then, in such case, the publication should be limited to Members only.

Mr. *Hume*: But what would be the effect of the order of the House limiting the publication to Members of the House? It was altogether a novel order.

Sir *J. Graham*: No, not novel; there had been several cases where the publication of petitions was limited to Members only. In this case the Motion was agreed to by the hon. Member for Finsbury.

Mr. *T. Duncombe* said, most certainly at the request of the right hon. Chancellor of the Exchequer and because he was afraid, if he had not acceded to that request, he might have, altogether, failed in getting the evidence printed at all, he had made the Motion limiting the publication to Members only; but at the same time he stated, that it was the most absurd thing he had ever heard of. Suppose the Report were lying on his table when a friend called, and while he was waiting took up the book, what was to be done then? Was he (Mr. Duncombe) to roar out "Lay down that Blue Book, Sir; it is for the use of Members only. You must not touch it, or I will be compelled to call in the aid of a policeman?" In fact what was the use of the order? Were all Members to keep the Report secretly and constantly locked up from every gaze but his own or that of a brother Member? Well, but when that House of Commons arrived at its latter end—when its functions ceased, what was to become of the Blue Book then? It was published only for the use of Members of that House, and when it were dissolved were they all to be burned? or what would be the penalty if one were unfortunately to be found in a gentleman's possession the day after the dissolution? Perhaps Her Majesty's Government, as they had done before, would reconsider and rescind the absurd Resolution which the House came to, on his Motion, last night. The right hon. the Chancellor of the Exchequer had hitherto only gone step by step; first he would not agree to its being printed at all, but referred any one, wishing to see it, to the library; then he consented to allow it to be printed for the use of Members only. Probably he might be prepared now to take the final step, and let it be printed for the use of the public generally. Newspapers would be liable to actions if they published the Report; he was well aware of that, but would he or any other hon. Member be liable to an action if they showed it to any person not a Member ["Lord *Stanley*: yes,"] Well, then, perhaps the noble Lord would inform him and the House what was the meaning of the term "for the use of Members only."

Lord *Stanley* said, if the hon. Gentleman had any fear upon the subject, he had better procure a legal opinion upon the subject—he was neither prepared nor competent to give him one. (After repeating the manner in which the rule was laid down as given by Sir James Graham) he said, newspapers would undoubtedly be liable to a private action for publishing any matter that was libellous, even though spoken in the House, because they were not possessed of the privilege which hon. Members enjoyed; but that was not the case with the House, and any hon. Member might use the Report in such manner as he thought necessary for the due discharge of his duties as a Member of the House. But where the matter was libellous, or reflected upon the character or conduct of individuals, in the exercise of a wise discretion, the publication of such matter extended no further than to Members.

Subject at an end.

Slaughtering Horses.] House in Committee on the Slaughtering of Horses Bill. On the question that the Preamble be postponed,

Mr. *T. Duncombe* was anxious to know whether the Government approved of or supported the Bill? If not, he thought it ought not to be proceeded with, because it greatly increased the powers of both the magistracy and the police.

Sir *J. Graham* said, he had not given much attention to the Bill. He had referred it to the chief magistrate and the commissioners of police, but as yet he had received no report upon it.

Mr. *Duncombe* said, that this Bill was admitted to proceed from the Society for the Prevention of Cruelty to Animals. That alone he would consider a sufficient reason for opposing it, as no encouragement ought to be given to societies for meddling with everybody's business but their own. There were many most harrassing and vexatious provisions in this Bill. For instance, one Clause enabled a policeman to go into any yard and ascertain whether the horses and cattle (the latter word, according to the interpretation Clause, including every species of animals from a bull to a pig and a goat) there confined, had a sufficient quantity of nutritious food and water, and if they had not, to supply them with enough, and charge double for it. He objected to this absurd and pettyfogging legislation. It was like the Committee appointed the other day to inquire into the condition of lap dogs.

Mr. *Cowper* said, as the delay asked for would be tantamount to losing the Bill this Session, he would resist this Motion. The hon. Member for Finsbury was facetious about societies that meddled in other people's affairs. But suppose there should be parties in the country raising a subscription to purchase an estate for an hon. Member as a reward for his activity in that House, and they should ask him to subscribe, what, according to the hon. Gentleman's views, ought to be his answer? Nothing but this—"Why should I subscribe for an hon. Gentleman who does nothing but meddle in other people's affairs? He hoped the hon. Gentleman would withdraw his opposition.

Mr. *Duncombe* moved that the Chairman should report progress, and ask leave to sit again.

Committee divided:—Ayes 11; Noes 104: Majority 93.

List of the AYES.

Bouverie, hn. E. P.
Buller, C.
Collett, J.
Escott, B.
Langston, J. H.
Manners, Lord C. S.
Martin, J.
Mitcalfe, H.
Pechell, Capt.
Wall, C. B.
Wawn, J. T.

TELLERS.

Duncombe, T.
Elphinstone, H.

List of the NOES.

Ackers, J.
Aldam, W.
Allix, J. P.
Arkwright, G.
Arundel and Surrey, Earl of
Baring, H. B.
Barnard, E. G.
Barneby, J.
Baskerville, T. B. M.
Beckett, W.
Beresford, Maj.
Borthwick, P.
Botfield, B.
Bowes, J.
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Chetwode, Sir J.
Childers, J. W.
Chute, W. L. W.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Curties, H. B.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Dodd, G.
Douglas, Sir H.
Douglas, J. D. S.
Duncan, G.
Egerton, W. T.
Eliot, Lord
Entwisle, W.
Esmonde, Sir T.
Fitzroy, hon. H.
Forbes, W.
Forman, T. S.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gore, M.
Graham, rt. hon. Sir J.
Grosvenor, Lord R.
Hamilton, Lord C.
Harcourt, G. G.
Hawes, B.
Henley, J. W.
Herbert, hon. S.
Hill, Lord Marcus
Hodgson, R.
Hope, hon. C.
Houldsworth, T.
Hutt, W.
Irving, J.
Kelly, F. R.
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Lennox, Lord A.
Lindsay, H. H.
Mc Geachy, F. A.
Manners, Lord J.
Marsham, Visct.
Maxwell, H. J. P.
Meynell, Capt.
Mitchell, T. A.
Mundy, E. M.
Napier, Sir C.
Newdegate, C. N.
O'Brien, A. S.
Ogle, S. C. H.
Patten, J. W.
Peel, J.
Plumridge, Capt.
Pringle, A.
Reid, Sir J. R.
Rendlesham, Lord
Rolleston, Col.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smith, J. A.
Smith, rt. hn. R. V.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Somerville, Sir W. M.
Spooner, R.
Stewart, P. M.
Sutton, hon. H. M.
Thesiger, Sir F.
Thornhill, G.
Trotter, J.
Verner, Col.
Vernon, G. H.
Wodehouse, E.
Wood, Col.
Wortley, H. J. S
Wyse, T.
Yorke, H. R.
Young, J.

TELLERS.

Cowper, hon. W. F.
Mackinnon, W. A.

On Clause 4,

Mr. *Escott* said, this Clause enacted penalties of not less than 40*s.* or more than 5*l.* for offences that were already punishable under the statute law. He exceedingly lamented that the right hon. Baronet would not tell the Committee whether he thought the time of the House ought to be occupied by the further discussion of this measure. Why not enforce the penalties that were awarded by the existing law? The hon. Gentleman might say that the inspectors were lazy, but he wanted to know if this Bill would make them more energetic in the performance of their duties. He was confident the Bill would not effect the benevolent intentions of the hon. Gentleman, for benevolent he admitted them to be, and he considered it most frivolous and absurd legislation. The tendency of such legislation was to make infamous wretches, who inflicted cruelty on dumb animals, more cruel when they could do so with safety. A 5*l.* fine was only calculated to make a man who had paid it, vent his spite in a more virulent degree when he had an opportunity. We ought to trust to education and to the improvement of the moral condition of the people, rather than to legislation. It was impossible to make people moral and humane by petty Acts of Parliament.

Clause agreed to.

On the 9th Clause, penalties to give one moiety to the informer and the remaining moiety to the poor.

Mr. *Estcott* moved that the words referring to the informer be omitted, with a view to give the whole penalty to the poor.

The Committee divided on the question, that the words proposed to be left out stand part of the question :—Ayes 51 ; Noes 5 : Majority 46.

List of the Ayes.

Ackers, J.
Aldam, W.
Allix, J. P.
Arundel and Surrey, Earl of
Barnard, E. G.
Bentinck, Lord G.
Beresford, Major
Borthwick, P.
Bouverie, hn. E. P.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Chetwode, Sir J.
Curteis, H. B.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Flower, Sir J.
Forman, T. S.
Graham, rt. hn. Sir J.
Hawes, B.
Hodgson, R.
Hope, hon. C.
Kelly, F. R.
Knatchbull, rt.hn.SirE
Lennox, Lord A.
Lincoln, Earl of
McGeachy, F. A.
Manners, Lord J.
Milnes, R. M.
Mitchell, T. A.
Muntz, G. F.
Newdegate, C. N.
Packe, C. W.
Plumridge, Capt.
Pringle, A.
Rendlesham, Lord
Round, J.
Rushbrooke, Col.
Sibthorp, Col.
Smith, rt. hon. T. B.
Smyth, Sir H.
Spooner, R.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir F. W.
Trotter, J.
Wall, C. B.
Wodehouse, E.
Wortley, hn. J. S.
Young, J.

TELLERS.
Cowper, hon. W. F.
O'Brien, A. S.

List of the Noes.

Collett, J.
Langston, J. H.
Pechell, Capt.
Wawn, J. T.
Yorke, H. R.

TELLERS.
Duncombe, T.
Escott, B.

House resumed. Bill to be reported.

Appeals in Criminal Cases.] The Order of the Day for the second reading of the Appeal in Criminal Cases Bill having been read,

Sir *J. Graham* said, he felt it incumbent upon him to make an earnest appeal to the discretion and sound sense of his hon. and learned Friend, the Member for Cambridge (Mr. Kelly), with reference to his Bill, for conferring the right to an Appeal on persons convicted of criminal offences, and felonies of a higher degree of enormity. The question was, whether they would now recognise by the second reading of the Bill the principle of establishing an Appeal in cases of convictions for criminal offences and felonies of a deeper die. Ministers felt, that if they assented to the second reading, it must be taken to be such a recognition of the principle as would render it, sooner or later, necessary for them to introduce a Bill for that purpose into Parliament ; and in this instance he must say, that the Government would be called upon to affirm a principle of the greatest importance in our law, without having had sufficient leisure or opportunity to give it that consideration which they were persuaded they ought to give to a change of so important a character. If his hon. and learned Friend would consent to postpone the subject until the next Session, he had no hesitation in saying, that in the recess the Government would give the subject their utmost attention. If, on the contrary, his hon. and learned Friend should press his Motion for the second reading to-night, he must, from a sense of duty, decline to give his support to the Motion. At the same time, he wished it to be understood, that in so acting, he did not preclude the Government from taking up the subject when they had examined it calmly, and at leisure. It was, from the advanced state of the Session, impossible now that the Bill could pass before the end of the Session, and it must be pregnant with great inconvenience if having recognised the principle, they should delay a measure of this kind for another year. Under these circumstances, he thought he was justified in requesting his hon. and learned Friend to suffer the Order to be discharged.

Mr. *Kelly* had been most desirous that the measure should pass into a law in the present Session, because he believed that it was imperatively called for by the present state of the administration of the Criminal Law. He was not, however, insensible to the considerations stated by the right hon. Baronet. He had no doubt that in the interval between the present and the next Session Government would devote to the subject the degree of attention it deserved, and he trusted that when the measure was again brought forward, the principle would at once meet general concurrence.

Order for second reading of the Bill discharged, and Bill withdrawn.

Poor Law.] Sir J. *Graham* moved

the further consideration of the Report on the Poor Law Amendment Bill.

Mr. *Borthwick* should best consult the wishes and convenience of the House, by not only reducing into the smallest space the speech he was about to make, but by saying at once all he had to say on the four propositions which he had given notice he should submit to the House. He regretted the thin state of the House, but he had no doubt it arose from hon. Members supposing that the very important measure of the hon. and learned Member for Cambridge (Mr. Kelly) would occupy a considerable time, and that the discussion on the Poor Laws would not consequently come on for some time, and therefore had gone to their dinners in order that they might come back in time for that discussion. He sincerely thanked the right hon. Gentleman (Sir J. Graham) for the great ameliorations which were by this Bill effected in the Poor Law, though the propositions he meant to submit to the House were four, the principles involved in them were but two. These principles were so simple and so general that he believed that there was not one right-thinking man within the House of Commons, or out of it, who would not be ready to admit the great desirableness of their becoming the law of the land. They were founded on natural rights; they had been sanctioned by many laws heretofore passed in this kingdom; and they were hallowed by the obligations of religion. His first principle was, that under no circumstances should the separation of husband and wife, parent and child, be permitted. The other principle had given rise to more discussion; it was the obligation of giving out-door relief to persons who, not from idleness on their own part, but from circumstances over which they had no control, were suddenly cast into poverty. He begged respectfully and earnestly to press these two principles on the careful consideration of the right hon. Baronet. The first principle involved not merely the convenience and comfort of individuals, but, what was of unspeakably more importance, it involved the safeguard of all the best and most hallowed domestic virtues, the affections between husband and wife, and the affections between parent and child. With reference to that principle, the practical case which he wished to put to the right hon. Baronet and the House was this:—A man shall have laboured from his childhood industriously and honourably all his life, without, however, having been able to earn the means of providing for his old age; he shall have attained the age of threescore years, and after a life so honourable to himself and so valuable to the country, what was to be done with him? His children might be growing up following his example, but unable to earn more than enough to supply their own immediate wants. The consequence was, that the principle so much vaunted by Lord Brougham, that the child should provide for the parent in his old age, became inoperative, not because the sense of its obligation was absent from the heart of the child, but because it was not possible for the child to do more than provide for his own sustenance. Now, to a man who, under these circumstances, applied for relief, at sixty years of age, at one of the union workhouses, he (Mr. Borthwick) did not ask what answer ought to be given under the existing law—he did not ask what answer would, in some cases be given under the existing law—he knew that there were boards of guardians so much impressed with a sense of justice, and of such Christian feelings that they did not hesitate to break the rules of the Commissioners, and give relief out of doors in spite of them; but he asked was it desirable that in a great country like this the dictates of humanity should only be attended to by means of a violation of the law — that the rights of poverty should only be acknowledged by the perpetration of a legal wrong? He said the rights of poverty advisedly, and weighing his words; for he maintained that while the House so often heard stated there, in such lofty tones, that wealth had its duties as well as its privileges, it should not be forgotten, that while poverty had its sufferings, it had its rights and privileges too. Yes, it had its rights all the more, because those who belonged to the class of the poor were not able to assert those rights; on this account, in his mind, those rights were all the more to be respected, because, while the full enjoyments of their rights was easily obtainable on the part of the rich, it was not to be obtained on the part of the poor. The man he was describing applied to the union workhouse: the answer was, "Well, according to the law, come into the workhouse; bring your wife; but that which God hath joined must be separated; you must live separate as long as you stop in the workhouse." That, unhappily, was the remainder of their lives; for it was the worst feature of this system, that instead of affording casual relief to casual depression of circumstances, the relief was the worst curse that could fall on the poor man, because it removed him from his situation of casual distress to become a permanently destitute pauper for the rest of his life; he was kept at a great expense in the workhouse for the remainder of his days; so that it appeared, that while they increased the burthen on the rate-payers, they went about to injure the poor. Well, this man enters the workhouse. He knew he should be met with the assurance, "Haply the Commissioners have, or haply the Commissioners may issue a rule that shall prevent in all cases such a result as you have described; haply they may feel the cruelty of attempting to separate husband and wife under these circumstances, and may order out-door relief, or within the walls of the workhouse take such order as shall prevent that wretched result which you have described." But if the Government answered thus, they admitted all he asked for, and he could not see why that which they admitted in practice, they should refuse to make part of the statute law of the land. If it was honourable in the Commissioners to make provisions of this sort, contravening the law of the land, *à fortiori*, was it honourable—yea, *à multo fortiori*, would it be honourable in the Government to agree to make those provisions the law of the land? He particularly solicited the attention of the right hon. Baronet to this point, and if—(as he (Mr. Borthwick) hoped the right hon. Baronet would not)—he should refuse to admit the principle of outdoor relief, then he must claim this right for the poor admitted into union workhouses, that husband and wife, parent and child, should not be separated under any circumstances. Let the House look on the operation of this cruel regulation on the hearts of honourable men; let them remember the sentiments of one of our poets, where he spoke of the churchyards in which were buried those who might, if they had enjoyed the power, have been Miltons in poetry and Cromwells in war. It had been stated, the House had heard it often stated, that there was no man in the House who had any other object in his exertions than to build up for himself an honest fame; and he (Mr. Borthwick) for one thanked them for the pains they took, and for the time so spent for the good of the country; but let them remember, that the man he had been describing had no other reward to look forward to but the consciousness of doing his duty by his country and his God. If it were true in the annals of crime that *nemo repentè fuit turpissimus*, so it was true in the annals of the poor that nobody was deprived of that sense of independence which naturally animated the breast of man until he had undergone sufferings almost unspeakable. This man, then, that he had been describing, was reduced to the position of craving charity at the hands of his neighbours, and it was when under that state of bitter distress that the law told him—"You shall be separated from the single spirit who knows how well you deserve a better fate—from that solitary one of all your kind who has sympathised with you from the days of your youth." Had not such a man the same feelings with the proudest heart that beat within those walls? Could he not feel the meaning of the sentiment of the poet, and feel it the more acutely that he had not been educated so as to appreciate the refined delicacy with which it was expressed—

"Te spectem suprema mihi cum venerit hora—
"Te teneam, moriens, deficiente manu?"

But he was told he would not reach this extremity. Some benevolent Board of Guardians would allow the companion of his happier days to visit him just before the spark of life was extinct! What, and was this their humanity? To allow his wife to close his eyes, or to be placed before them just when their sense refused, by reason of its weakness, to recognise her form? When he was about to yield up his spirit to the God who gave it, was it human to deny him the attendance of his wife? The law denied it; but it said to the wife, "You may come to close the eye when its sense refuses to recognise you." He (Mr. Borthwick) knew this would be said to be exciting the feelings of the poor; he knew that such objections had been made; but how came it that the feelings of the poor could be excited in this way? He said the law of the land was the cause—the Poor Law—passed in 1834. This was the way the House treated the British peasantry. There was a sort of sensitiveness in the House about making allusion to the state of the poor at present. It was whispered, "For God's sake, do not speak of these things; you will excite the people; you will have a rebellion; you will give rise to a thousand evils." Good God! had it come to this, that the

British peasantry, so famed for their attachment to the aristocracy, the laws, and the institutions of this country, were to be severed from that attachment by the tongues of demagogues? The House might believe him, that it was not the tongues of demagogues that had done this, if done it was, but some fatal ills which had exasperated the minds of the poor. He was the first in that House to advocate the interest of the landowners on an occasion when they had forgotten to stand up for themselves; he was the first to oppose the right hon. Baronet (Sir R. Peel) when he brought forward the present Corn Law. He must admit, that he was mistaken in his apprehensions of what would be the effect of that law, but on that occasion he had stood up in behalf of the landed interest. He had no hostility to them or to the millowners on the other side of the House, but he must say, that in his opinion there was this great evil attributable to the employers of labour in this country, whether landowners or millowners—that the produce of industry was not equally shared between the labourer and the employer. He knew that every hon. Member, like himself, could produce instances within his own experience of the contrary, where benevolent men gave adequate wages to those they employed, but it ought to be so all over the land. He would at once declare that the Poor Law would be no more needed if the capitalists did anything like approximate to their duty in this respect. It was in this spirit that he had framed the first of the Clauses for which he wished to ask the concurrence of the House. It was proper to consider that all systems of Poor Laws were to the body politic what systems of physic were to the body natural. Medicine was nothing but exhibiting one disease of an ephemeral and transitory character in the place of another which it was desired to get rid of; so the Poor Law was only supplanting one evil by means of introducing another. But in this Christian land ought there to be any Poor Law? He thought that if the right hon. Baronet (Sir R. Peel) went on with the system he had been pursuing during the Session, not only would this Poor Law disappear, but they would see a state of things where no Poor Law whatever would be wanted in this country. In a Christian country, he contended that the alms of God's people collected at God's altar ought to suffice for God's poor; so that a Poor Law might become unnecessary, though poor there must always be—that rested on unerring authority. If at the Reformation the Church Establishment had been fairly and fully carried out, that would be the case at the present moment. He begged to submit to the right hon. Baronet (Sir J. Graham), that as he would admit the principle of these Clauses—for he (Mr. Borthwick) knew the right hon. Baronet would not say he sought not a good end, or one which ought not to be obtained; the only difference between them was, that the right hon. Baronet sought to obtain this end by means of the interposition of the Commissioners; that was to say, by chance; while he sought to obtain it by placing an enactment on the Statute Book—to obtain that as a right which the right hon. Baronet would not refuse as a bounty—he wished to submit that the right hon. Baronet would not act inconsistently in agreeing to his propositions. On one point he wished to say one word. The hon. Member for Knaresborough (Mr. Ferrand) had given notice of a Clause with the same object as one of his (Mr. Borthwick's), on finding which he (Mr. Borthwick) had withdrawn one of his four propositions—the third; but, as the hon. Member had not brought on his Clause, and as he had necessarily left the House for the present Session, he (Mr. Borthwick) had restored his Clause. His object in that proposition was, that children should not be separated from their parents; that in all cases where the child was under seven years, the child and the mother should not be separated, but that above seven the child should have free access to the parents on all occasions. He could relate a great many instances of great hardships arising from the existing regulations in this respect, but that he should not do on the present occasion. In all the debates on the subject of the Poor Law there was this evil—that every one spoke of the union with which he was acquainted in his own neighbourhood as if that was the rule of all the unions in England. The country owed a debt of gratitude to the hon. Member for Brecon (Colonel Wood) for a sort of pet union workhouse he had established in Middlesex, and as that had been established, they might have established similar workhouses on the same system everywhere; but then they must have for each workhouse a gentleman as zealous, and having as much time to spare, as his hon, and gallant Friend. However, at present, whenever any one spoke of the hardships of the system, up jumps his hon. and gallant Friend, and said, " Oh no, it is not so. Come down and see my union; there is nothing of the kind there." Nevertheless, he could assure the right hon, Baronet that men had died in the circumstances he had described, and mothers and children had also been separated. These evils existed, although it was a dispute whether Lord Denman's late decision made it allowable that a child of seven years old should be in any case separated from its mother. But he was certain that the right hon. Baronet would not take his stand on quibbles of law; he would agree to the Clauses on the ground of the good they would effect, or if he refused to consent to them, he would refuse on the ground of their failure to effect good which he thought they would issue in. Another clause to which he wished the assent of the House provided that out-door relief should be given to able-bodied paupers in certain circumstances. The right hon. Baronet knew that this had been desired in representations and petitions from all parts of the country ever since the Poor Law Amendment Bill had been proposed; there had been active complaints on this subject. The regulation of refusing out-door relief led to many serious evils—as, for instance, in the case of a man who was thrown out of work for six or seven weeks. The magistrates had not the power of ordering out-door relief; the House had refused an appellate jurisdiction the other night; relief out of the workhouse would be refused by the guardians. The man was consequently forced into the workhouse, whereby he necessarily became a pauper for the rest of his life; he there contracted indolent habits, unless he had some friend who would bring him out of the workhouse, and thus counteract the spirit of the Poor Law. The man remained a pauper for the rest of his life. In the *Times* newspaper of Monday last, there was an account of a meeting of the Board of Guardians of the Ipswich Union, which he could not help quoting, as that was a district with which he was not at all connected. The Guardians, it appeared, had agreed to a petition to the House of Commons, founded on a Resolution to this effect:—

> " That the Board of Guardians petition the House of Commons, complaining of the oppressive manner in which the prohibitory order of the Commissioners relating to out-door relief operates upon the industrious poor, and praying for power to administer such relief at the discretion of the guardians."

He did not know if the petition had yet reached the Table of the House, but a part of it was so important, that he would read it. It ran thus:—

> " That your petitioners having been accustomed to consider the honest and industrious labourer, when in distress from no fault of his own, as an object of compassion, and that to administer relief to such a person in the least irksome manner is a duty enjoined by the law of nature and Divine Revelation, cannot but view with feelings of much pain the operation of an order which militates against those unerring guides, and which treats poverty as a crime. Your petitioners, therefore, humbly implore your hon. House to insert such a Clause in the Poor Law Amendment Bill now passing through your hon. House as shall fully recognise the principle of out-door relief to able-bodied labourers, and invest the guardians of the poor with full discretionary power to carry such Clause into effect uncontrolled by the Poor Law Commissioners."

That was the petition of so important an union as that of Ipswich, in Suffolk; and it did but embody the one vast complaint which had been made throughout the kingdom ever since the present Poor Law had been established. The principle on which he had been pleading was, that it was dangerous to the Constitution of the country that the people should only be protected by a violation of the law. It was no answer to say that the Commissioners might make rules; though they established rules never so humane, those rules were not the law of the land; they might be altered at the caprice of the Commissioners; he spoke not in disparagement of the humanity of the Commissioners, he believed them to be honourable and humane men; but they were capable of falling, they were fallible men, and the disciples, as far as they administered the present Poor Law, of a philosophy which rested on barren theories and abstract dogmas that nobody disputed; but when they came to apply them to human nature, they forgot it was in a lapsive state; they forgot they were ruling on earth, which was full of error, and not in Heaven, where alone abstract truths could be acted on. The hon. Member then moved his first Clause, as follows:—

> " And be it Enacted, That when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse in pursuance of the provisions of the said recited Act, or of this Act, such two persons shall not be compelled to live separate and apart from each other in such workhouse; and that to this end suitable and decent accommodation

shall be provided in every workhouse for each man and his wife so of the age aforesaid, any thing in the said recited Act, or in the rules and regulations for the government of any workhouse, to the contrary notwithstanding."

Clause read a first time.

On the question that the Clause be read a second time,

Sir *J. Graham* could assure the hon. Member he was not disposed to treat his remarks with disrespect. He had listened to the hon. Member with attention, and he felt that the hon. Member had the advantage of carrying with him the sympathies and kind feelings of the House, whilst he in resisting the hon. Member, would have to encounter feelings which did honour to human nature, and which every humane person would rejoice to see predominant, if there were not higher considerations to be attended to. He proposed, in one respect, to follow the hon. Member's example, and treat the four Clauses proposed by the hon. Member as one Clause for the purpose of this discussion. Now, though the hon. Member had gone through the subject with great ability, he had not brought forward anything that was new, and with all the hon. Member's ingenuity, he had found it impossible to invent a new argument or a new illustration on a subject, every branch of which had in former Sessions been fully discussed. He must therefore again state what he had stated before in answer to the same argument. The hon. Gentleman appeared to think that happier days were approaching for this country, when a Poor Law would be unnecessary; he confessed he could not take so sanguine a view of the state of society in which it was our lot to live; he feared the poor would be always in the land—they were increasing and multiplying every day, and a forced provision for the poor was becoming more and more necessary. But, passing by this fine speculation, it would be more profitable to consider the history of the last three centuries, during all which time they would find that some provision for the poor had been made by Act of Parliament, and looking back to those three centuries he could not find any traces of those Acts of Parliament which the hon. Gentleman said had embodied the substance of the Clauses, which he now recommended to the adoption of the Committee. Looking through the whole of the statutory regulations on the subject of the poor, he did not find any enactment to the effect that the aged poor who became inmates of workhouses should enjoy the advantage of separate apartments, for the accommodation of husbands and wives; neither did he find that under the circumstances stated they were entitled to outdoor relief. In reference to children he must remind the House, that at all times the Poor Law Commissioners had recognised the rights of mothers so far as the nurture of their own children was concerned. In the workhouses they were at present allowed to nurse their own children. But then what was it that had been sought to be established by this Resolution? The right of the aged poor to out-door relief. Surely there was no one acquainted with the present Poor Law who could for a moment doubt that out-door relief would be given to persons above the age of sixty years, that was, if they really appeared to be fit objects of relief. On this point, however, the hon. Member told them that the regulation under which that might be done did not possess the force and effect of law, that it depended upon the caprice of the Commissioners, and that there was no certainty in anything relating to it. On this point he wished to make one or two observations. By the Act of 1834, the orders to be thereafter made by the Commissioners were to have the full force and effect of law, in all cases where those orders received the sanction of the Secretary of State. The regulations so made could not, therefore, be said to depend upon caprice; they could not be rescinded at the pleasure of the Commissioners; once having received the sanction of the Secretary of State, they could not be revoked without his consent. Having then before Parliament a Minister responsible for those orders, it could not be said that they depended altogether upon caprice; and when he said that the regulations now under the consideration of the House had received the sanction of the Secretary of State, he told the House that which was tantamount to saying that those regulations possessed the force of law; and it necessarily followed, that to re-enact them in a statutory form would be quite superfluous. Several of the concessions which the hon. Member sought to obtain for the poor were already granted to them in practice, for wherever the workhouses admitted of that degree of accommodation the aged married couples were allowed separate rooms, if in the opinion of the Board of Guardians such indulgence was fitting for them to receive;

and he believed that that indulgence was generally granted in all cases where there was reason to believe that those aged people could be of mutual assistance to each other. As to children under the age of seven—and especially children during the period of nurture—they were, generally speaking, intrusted to the care of their mothers. During the period of nurture, they were never removed from their mothers; and from the close of that period till the age of seven the mothers had access to them at all reasonable times—that was the general order, and that order, he repeated, had the force of law. He now came to another part of the Resolutions proposed by the hon. Member for Evesham; he proposed to make a change in the law so that a single justice should be able by his own authority to make an order for the granting of out-door relief. He held that that proposition struck at the root of all the legislation of the last ten years. In a short form this change would re-introduce most surely and fatally all the evils of the Poor Law as it existed previous to the year 1843. Nothing would more certainly reproduce all those evils than that one magistrate should possess the power of making an order for out-door relief. In cases of that kind, nothing was so easy as to work upon the feelings of humane magistrates, and to induce them to make orders in favour of relief. It was very easy to induce them to make orders for money payable out of a public purse, to which purse they were not contributors. In that cheap indulgence of their humanity they freely gave orders to all whom they thought worthy of compassion at the expense of others. But this power had long appeared to the Legislature subject to a great deal of abuse; and it became quite obvious that such a power could be much more safely intrusted to a board of guardians, chosen by the ratepayers, than left in the hands of a single magistrate. It was the duty of Parliament not to take a one-sided view of this question. Neither did the Commissioners appear to take a one-sided view of it, for by their influence, their advice, and their inspection, they took care that the interests of the poor were attended to. In the Ipswich case, for example, there were fourteen guardians, who, on the question of out-door relief, voted as five to nine. Three of the minority consisted of the chairman, the vice-chairman, and the rector of the parish—the remaining two were elected guardians. Those guardians had the care of 3,706 poor, of whom 421 were relieved in the workhouse, and 3,281 received out-door relief. The gross payment for the quarter amounted to 3,969*l.*; of that 1,531*l.* was expended in the workhouse, and 1,940*l.* in out-door relief. For all the reasons, then, that he had stated he should oppose the propositions of the hon. Member for Evesham.

Lord *J. Manners* observed, that the right hon. Gentleman the Secretary of State had told the House, that the feelings of humanity were so strongly in favour of the proposition of his hon. Friend the Member for Evesham, that nothing less than the most overwhelming reasons could induce the House to decide against his proposition. That admission was one which the public could not but feel to be of great importance. Next, the right hon. Baronet said, that it would be superfluous to render statutory those regulations which already had the force of law. But if they had, what objection was there to impart to them the defined character of an Act of Parliament? What objection was there to the House of Commons making those regulations the law of the land when they authorized the Poor Law Commissioners to make them so? The whole case had already been conceded, and there was now little to be gained by contending about mere matters of form. If fathers and mothers were allowed to visit their children as often as they pleased, why permit regulations to the contrary to remain a national disgrace? The right hon. Baronet told the House that he had looked through the statutes on the subject of relief for the poor during the last 300 years, and that he did not find them to contain any thing of the sort to which the Motion of his hon. Friend referred. But it might be asked where in the history of the country did the right hon. Baronet see anything like the system of centralisation which recent measures professing to be for the relief of the poor had introduced? He was sure that he gave expression to the feelings of the public when he said that the Legislature must look to the condition of the poor, and they would not be satisfied with being told that the proposition of his hon. Friend went to the re-enactment of the old system. The question was, would they legislate according to humanity and on a generous view of the case, or on a system of centralizing and severity? The right hon. Baronet must know that the sense of the country was against him; and he must feel likewise that this worn-out system must be remodelled according to the improved sentiments of the public and in conformity with the recorded decisions of that House. He adjured the right hon. Baronet to agree to the proposition of his hon. Friend during the present Session, and thereby let the present Session be held in grateful remembrance by the people of England.

Mr. *Hawes* said, that those who knew the state of the poor antecedent to the year 1834—those who recollected the state of the workhouses antecedently to that period, and who compared them with the present state of things, must feel that there was no just reason to complain of the present Poor Law—a law which he would say was most humane in its operation. Of late years great consideration and great care had been bestowed upon the condition of the poor. Did hon. Members recollect what the state of the poor formerly was? To agree to the proposition of the hon. Member for Evesham was to say that the existing law must be repealed, and he would ask those who so broke it down to furnish the public with some equivalent security that there would continue to be in this country a right administration of relief for the poor. The noble Lord recommended the House to go back to the old system. If those Resolutions were agreed to, the existing Poor Law must be repealed, the Commission must be done away with, and let those who did all this try to form a Government, if they could. In the administration of the existing law by Boards of Guardians the public had a security that the law would be well administered, and that relief would be well supplied to the poor. As to the discussion which had taken place upon the subject of workhouses, he would only ask hon. Members to compare in their own minds the present and the former states of the poor, and the workhouses which they inhabited now and formerly. Let hon. Members only recollect the old workhouses—their filthy state—the mal-administration—the total neglect that prevailed there, when no one was responsible for the management of them—when there was no one to bring cases of abuse and oppression before the House of Commons. Now there were responsible officers, whose conduct could be brought before the House of Commons. There had been something said about extending workhouses for the purpose of rendering them sufficiently commodious to meet the views of the hon. Mover; but had hon. Members looked for a moment at the probable expense of those extensions? and no one could doubt that a very large increase of the size and capacity of workhouses must be the consequence of the adoption of such a principle. On the expense, however, he did not much insist, for if the improvements were just and expedient, and for the real benefit of the poor, the expense would be a secondary consideration. Though much was said of the actual paupers, yet the House heard but little respecting that class who were on the verge of pauperism, and who on that account suffered most severely from the pressure of the poor-rates. If the proposed Resolutions were agreed to, there would be an end to all discipline and classification in workhouses, and the system would speedily fall down of itself. The system under which the present law was administered might be called harsh; but he thought that epithet was applied to it most unjustly; generally speaking, the Guardians made provisions for all cases of real distress and met the difficulty of particular cases. The charges which the hon. Member for Evesham proposed to introduce would not be beneficial to the poor themselves nor any saving of expense to the ratepayers.

Mr. *Escott* said, the simple question was this,—did the proposition of the hon. Mover effect an improvement? Now, he really thought that the hon. Member for Lambeth had not touched the argument; neither had the right hon. Baronet. Of the Motion before the House the latter said that it was useless, because the Board of Guardians could already grant out-door relief to persons above the age of sixty years; but then, as had been often said, if that were in effect the law already, why not make it so by an express enactment. The right hon. Baronet told them that any old person might get out-door relief at the discretion of the Guardians. He hoped that this fact would be generally known, for he regretted to say that a great deal of ignorance prevailed on the subject of the Poor Laws. Besides this, any Justice of the Peace might order medical relief, but though that was the state of the law, it was not acted on. It was very important to know what the Poor Law was. Amongst other things, it was a part of the law that out-door relief might be granted in cases of extreme urgency. Such language as that, naturally gave rise to much uncertainty and misconception. Then came the exceptions of the Commissioners and their explanatory letter, and that was the state of a system which should be made clear and definite by means of statutory enactment. The fact was, that in ignorance of the law, many old persons were forced into the workhouses. There was abundant power to relieve aged people out of doors, and if brought into the workhouse, they ought to be allowed every comfort compatible with their situation.

Sir *C. Napier* said, that the poor were more expensive to the unions in the workhouses than out of them. Out-door relief to the extent of 6*s.* a-week would suffice for the maintenance of an aged couple. It was a most cruel thing for an old couple to be told, after they had paid the poor-rate all their lives, that they should not receive any relief without going into the union-house, under the rule and law of the governor; but, if it were cruel to separate two old people, it was ten thousand times worse to separate a man from his wife if she happened to be ill, and to turn her over to the care of a nurse in the workhouse, who might be an abandoned woman. If the Government would consent to a law to give out-door relief to people of sixty years of age, he would oppose this Clause; otherwise, he should support it.

Mr. *Darby* wished to know how the relief proposed by these Clauses could be carried out? One Board of Guardians would say that one kind of relief was "suitable" for old people and another Board another kind of relief; and he believed this Clause would be worked in an entirely different way by different Boards of Guardians. Did the hon. and gallant Member mean to say that in the agricultural districts persons of sixty years of age were unable to work? He had always advocated a certain well-defined labour test in conjunction with the workhouse test. He did not wish to grant a relief without any labour test at all. Such a plan made good men bad, and bad men worse than they were before. If there were any hardship in the Poor Law at all it was when an able-bodied man happened to be out of work for a short time, in compelling him to go into the workhouse for relief. But he was bound to say that he did not think the law was cruel in its operation towards old people. If these Clauses were carried in their present shape he defied any Board of Guardians to work the law well.

Mr. *S. Wortley* said, it had appeared to him that, although these Clauses were not altogether unexceptionable, yet, nevertheless, they were intelligible. Although it had been convenient to take these four Clauses together and treat them as parts of the same subject, he thought it essential to draw attention to them distinctly. He thought the third Clause would introduce many of the abuses which existed under the old law. He was opposed to any enactment which admitted of the discretion of another party—a Justice of the Peace—to overrule the discretion of a Board of Guardians. As the law at present stood, no matter what the age of the parties, they could not receive out-door relief unless they were infirm; but wherever he found that there were orders of the Poor Law Commissioners often acted upon, and of a commendable kind, he thought it good policy to engraft them in the law. The first of these Clauses did embody very much the practice of the Poor Law Commissioners, and as it was a matter of general practice, it appeared to him to be one of those cases in which they might safely extend the principle by giving these orders the form of a distinct and statutory enactment. He should, therefore, support the first Clause.

Lord *Stanley* so far differed with his hon. and learned Friend who had just spoken, that he was certain if these Amendments of the law were adopted by the House they would so far break in upon the principle of the present law that, in his opinion, they would entirely break in upon the labours of the present Session; and he would rather that these advantages, whatever they might be, should be deferred to another Session. His hon. and learned Friend who had just sat down had abandoned the third Clause, and had admitted that to confide to a single justice the power of overruling the directionary power of a Board of Guardians would be to reintroduce all the abuses of the old Poor Law, which had brought this country to the verge of ruin. He was quite satisfied of this, that whatever might be the humane intentions of the hon. Member for Evesham, and of his right hon. Friend, they could not introduce a more cruel Clause than the first, to make it compulsory on the Guardians to give out-door relief to old people. No discretion was given by this Clause to Boards of Guardians, who were presumed to be cognizant of the individual circumstances of those whom they were to represent — the rate-payers on the one hand, and the poor on the other. At present Boards of Guardians had the power to give out-door relief, not only to persons sixty years of age, for that was no test if the parties were capable of working. A man of sixty might be robust and able to do a good day's work; while a man of fifty might be so infirm and disabled as to be a fit subject for in-door relief. But the hon. Member for Evesham wished to take away this discretion. The hon. and learned Member for the West Riding of Yorkshire wished to compel out-door relief to be given to persons of sixty years of age, and to compel separate rooms to be given to married couples in the workhouse. In every well-regulated workhouse, under the old law, it was notorious that there were separate sleeping apartments for the men and the women; but one of these Clauses provided that married couples should not be separated, which could only mean that they should have separate sleeping rooms. The hon. Member did not provide in his Clause for the case where one of the parties is above sixty and the other below that age. Did the hon. Member believe that it would be practicable to furnish every old couple with suitable and decent separate accommodation within the workhouse? Did the hon. Member believe that this accommodation could be provided in either manufacturing or agricultural districts? The effect of this Clause would be to drive Boards of Guardians not to exercise any option, and as they had not the accommodation to compel them, from a sense of economy, to allow the aged poor 5*s.* a-week out of the workhouse. It was now optional with the Guardians, under peculiar circumstances, to allow separate sleeping apartments to couples. The object of the Clause of the hon. Member was to take away all discretionary power in this respect from the Guardians; and the result would be, that the Guardians not having the accommodation in the workhouses, would be driven to refuse accommodation to the poor above sixty years of age in the workhouse, and give them an insufficient and miserable pittance in a hovel out of doors, exposed to the inclemency of the weather. He was perfectly satisfied that practically it would be found that these Clauses taking away the discretion which Boards of Guardians now exercised, would operate unsatisfactorily, both with regard to the ratepayers and the paupers, and would deprive the New Poor Law Act of one of its greatest advantages, namely a defined principle, leaving to the authorities the power of adapting the provisions of the law to individual cases with a view to economy and charity.

Captain *Pechell* said, the noble Lord had followed precisely in the wake of the right hon. Baronet at the head of the Government, because he said if there were opposition to the Bill it would be the duty of the Government to abandon it, as they did not see any great necessity to bring it forward.

Lord *Stanley*: I beg pardon; I did not say so.

Captain *Pechell*: But the right hon. Baronet at the head of the Government did.

Lord *Stanley*: What my right hon. Friend at the head of the Government said was this, that the Government was under no obligation but a sense of duty to introduce this Bill; that all the parts of the Bill were modifications of parts of the existing law, which pressed with much severity on the poor; and from neither the right hon. Baronet at the head of the Government, nor from the right hon. Baronet the Secretary of State for the Home Department, did one word fall for the purpose of conciliating any party.

Captain *Pechell* continued: The noble Lord had endeavoured to impress the House with the idea that the whole of the country was in a state of riot and disorder before the present Poor Law passed. But in what parts of the country had these abuses occurred? In many parts of the country the most humane provisions for the poor were carried out under Gilbert's Act, out-door relief was given, and the workhouse was only reserved as the last resort for aged people. The New Poor Law was undeniably most vicious in its effects, and he would be bound if they were to put all the local acts in the kingdom into a bushel, and were to take out the first of the pile, that that one, or any other of them, would be a great improvement upon the New Poor Law Amendment Act. He could tell the Government that the ground was giving way beneath them, and that this law must fall—the wedge had been inserted, and he and those who thought with him upon this subject, were determined to drive it home. He should support the Motion of the hon. Member for Evesham, and he trusted that it would not want for support. Surely the hon. Member for East Kent and all his troop who were so loud against the law before the present Government succeeded to power, would not fail now to vote with the hon. Gentleman.

Mr. *B. Denison* must oppose every one of the Resolutions proposed by the hon. Gentleman, because he thought that each of them was more or less impregnated with considerable danger to the whole working of the Poor Law Amendment Act. The 1st and 2nd Clauses he looked upon as being quite impracticable, and with regard to the 3rd Clause, which gave to the justice the power of granting relief, he would only observe, that he had had the honour of administering the old Poor Law, and from the experience which he then gained he did beg of the House, if they had any respect for the feelings of the Justices of the kingdom to confer upon them no such power as that contemplated by this Clause. He ventured to say on behalf of the Justices of England, that there was no power which they would so soon repudiate as that. The proposed provisions with respect to children contained in the 4th Clause he also looked upon as being most objectionable, and therefore he felt bound to oppose the whole of the Clauses.

Mr. *Brotherton* said, if he were to consult his own feelings, he should vote for the propositions of the hon. Gentleman the Member for Evesham, but he certainly could not see how they were to be carried out. As he understood, the Guardians at present had the power of relieving persons over sixty years of age out of the workhouse, and he thought that if that fact were generally known, a good deal of opposition which had been raised against the present law would be withdrawn. His feelings, however, was in favour of the Motion, because he had always contended that it was cruel to separate old people when they were desirous of having relief out of the house. He recollected when he was an overseer, thirty years ago, that an old couple applied to him for relief out of the workhouse. The man said, "My old woman and I have lived together for forty years, and it would break our hearts to be separated.' He ordered them out-door relief; but he only mentioned that to show that under the old system married people were often separated. The fact was, that accommodation never could be given to them all in the workhouse, except upon principles which he was sure no one in that House would sanction, whilst the expense of separate rooms for each couple would be such, that no parish would consent to bear it. He thought that, generally speaking, if the Guardians had discretionary power, they would act with humanity; they were appointed by the ratepayers and there was no reason for believing that they would not administer the law in accordance with the wishes and feelings of the people. He should be sorry, also, that justices should have the power of granting relief. He had often seen in former times the justice's house surrounded by 300 or 400 persons asking for relief, and the justice, without a knowledge of, or any inquiry into the facts, gave orders upon the parish for sums of money varying in amount according to his own caprice. Such a course was not only unfair to the parish, but also to the poor, for it frequently happened that the cleverest rogue obtained relief, whilst those who were the most deserving often went without. He would vote for anything which he thought would better the condition of the people, but his judgment would not allow him to support the Clauses proposed by the hon. Member for Evesham, which he looked upon as being positively injurious to the poor themselves.

Colonel *Rolleston* gave the hon. Member who had proposed these Clauses every credit for good intentions and for humanity; but he was inclined to think with the noble Lord the Member for North Lancashire (Lord Stanley), that they were more theoretical than practical, and that it would be found to be altogether impracticable to carry them into operation.

Mr. *P. Howard* wished to offer his best thanks to the right hon. Gentleman the Secretary for the Home Department for the great pains which he had taken to ameliorate the existing law. He should certainly oppose the Motion of the hon. Member for Evesham, because it would put the inmates of workhouses in many cases in a better position than those who had served in the fleets and armies of the Sovereign. It would also tend altogether to change the character of workhouses, which were intended not for places of permanent residence, but of temporary shelter to the poor in case of illness or infirmity.

Mr. *Curteis* wished, in pursuance with a promise which he had made to a Board of Guardians in his neighbourhood, to refer to one case of a somewhat curious, and as it appeared to him oppressive nature. The Board of Guardians of the Battle Union had been for some time in the habit of allowing the paupers to go out for air and exercise, and he had frequently seen them on the road side enjoying themselves harmlessly and innocently. For some cause or other unknown to him, the Commissioners in London denied to the Guardians the power of allowing their paupers to go out, unless upon a doctor's certificate of ill-health. The Guardians said it was their desire to preserve the paupers in health, by allowing them air and exercise when they were well; but the Commissioners were relentless. He called at Somerset-house, and talked with one of the Commissioners upon the subject for some time, but he neither convinced the Commissioner, nor did the Commissioner convince him. He appealed to the House whether the power of which the Board of Guardians of the Battle Union had been deprived was not a fit power to be possessed by Guardians. It was his intention to support the right hon. Baronet upon the present occasion; and he hoped that the right hon. Gentleman in return would not forget this subject.

Mr. *P. Borthwick* only wished to make one or two observations; and in the first place, he wished to remind the House that the question on which they were about to divide, comprehended the first Clause only and no more. In the second place, he found that objections had been taken by some hon. Gentlemen near him as to a certain ambiguity in the first Clause, more especially to the termination of it—"suitable and decent provision." He wished to observe that he had not trusted himself to draw up these Clauses, but that he had submitted them to a professional man who was accustomed to such labour, and he believed them to be properly drawn up so as to express what he had desired to convey. The right hon. Gentleman the Secretary of State for the Home Department had discussed these Clauses in a spirit of candour from which he had never deviated during the whole of the discussions upon this Bill; but he was surprised at what had fallen from the noble Lord the Secretary for the Colonies. The noble Lord had favoured them with a speech (as was usual with him) full of brilliance and sparkling with wit, and (as was not usual with him) full of everything except the subject before the House. Nevertheless, however brilliant the speech of the noble Lord might have been, the Government were more indebted to him for its length than for its argument, inasmuch as it had afforded an opportunity for Gentlemen to arrive and to call "Divide" who had not heard one word of the debate. If the present arrangements had all the force of law, he could see no reason for refusing to give them the form and the stability of the law, and upon that ground, coupled with a firm conviction that the Clauses which he had the honour to propose were calculated to benefit the poor of this country as well as the rate-payers, he must press his Motion upon the House.

The House divided on the question that the Clause be read a second time:—Ayes 32; Noes 95: Majority 63.

List of the AYES.

Ackers, J.
Barnard, E. G.
Baskerville, T. B. M.
Beresford, Major
Bowes, J.
Chetwode, Sir J.
Collett, J.
Colvile, C. R.
Dodd, G.
Duncombe, T.
Egerton, W. T.
Escott, B.
Fleetwood, Sir P. H.
Forman, T. S.
Gardner, J. D.
Gore, M.
Hinde, J. H.
Hodgson, R.
Liddell, hn. H. T.
McGeachy, F. A.
Milnes, R. M.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Newdegate, C. N.
O'Brien, A. S.
Palmer, G.
Pechell, Capt.
Sibthorp, Col.
Spooner, R.
Williams, W.
Wortley, hn. J. S.

TELLERS.

Borthwick, P.
Manners, Lord J.

List of the NOES.

A'Court, Capt.
Aldam, W.
Allix, J. P.
Antrobus, E.
Arundel and Surrey, Earl of
Astell, W.
Baring, hon. W. B.
Bentinck, Lord G.
Blackburne, J. I.
Bouverie, hn. E. P.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Buller, C.
Childers, J. W.
Clive, hn. R. H.
Colebrooke, Sir T. E.
Corry, rt. hn. H.
Courtenay, Lord
Curteis, H. B.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Douglas, J. D. S.
Duncan, G.
Eliot Lord
Elphinstone, H.
Emlyn, Visct.
Farnham, E. B.
Fitzroy, hon. H.
Flower, Sir J.
Forbes, W.
Forster, M.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greene, T.
Hamilton, J. H.
Hamilton, Lord C.
Hastie, A.
Hawes, B.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hope, hon. C.
Howard, P. H.
Hussey, T.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Knight, H. G.
Langston, J. H.
Lennox, Lord A.
Lincoln, Earl of
Manners, Lord C. S.
Marsham, Visct.
Maxwell, hon. J. P.
Mitchell, T. A.
Neville, R.
Nicholl, rt. hn. J.
Norreys, Lord
Norreys, Sir D. J.
Northland, Visct.
Ogle, S. C. H.
Packe, C. W.

Patten, J. W.
Peel, J.
Pringle, A.
Rolleston, Col.
Round, J.
Rous, hon. Capt.
Rushbrooke, Col.
Russell, J. D. W.
Seymour, Sir H. B.
Sheppard, T.
Smith, rt. hn. R. V.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Stewart, P. M.
Sutton, hon. H. M.
Talbot, C. R. M.
Tennent, J. E.
Thesiger, Sir F.
Thornhill, T.
Tomline, G.
Trench, Sir F. W.
Trotter, J.
Walsh, Sir J. B.
Wawn, J. T.
Wilde, Sir T.

TELLERS.

Young, J.
Baring, H.

The other Clauses proposed by Mr. Borthwick negatived.

Mr. *S. O'Brien* proposed the following Clause:—

> "And be it Enacted, that the Commissioners do and shall take order for the due performance of religious services in each of such workhouses, and for that purpose do and shall appoint fit persons, being Clergymen of the Church of England to act as Chaplains in such workhouses, and fix the amount to be paid to such Chaplains respectively by way of salary or allowance for their services (which amount when so paid shall be paid out of the rates accordingly); Provided always, that no person who shall be so appointed to be a Chaplain for any workhouse shall act as such Chaplain unless he be approved for that purpose by the Bishop of the diocese within which such workhouse is situated."

However strong his feelings were upon this question, upon which he intended to take the sense of the House, he was happy to find that he was not left to his own resources, having the advantage of the authority of a noble Colleague of the right hon. Gentleman, of a right rev. Prelate, and of the Poor Law Commissioners, who in their Report of 1839, recommended such an enactment as he now proposed. In 1834, the Bill was brought into that House, and it involved a greater than a political change, because it was a social change; and a greater than a social change, inasmuch as it was an ecclesiastical change, because it affected the parochial system of the country. Several parishes were amalgamated together for the saving of money. In large unions, as many as forty-six; in smaller ones, twenty-four. When the Bill went up to the other House it underwent some alterations, one among others making clergymen *ex officio* guardians. That timid hint was all that the House of Lords ventured upon in agreeing to an Act for depriving thousands of souls of spiritual instruction. But the philanthropy of the country was of a higher standard than that of Parliament, inasmuch as several chaplains were appointed throughout the country. The Commissioners had used as slight an allusion to chaplains as they could, and in 1839 they carried out their feeling to the utmost of their power, and obtained the help of a *mandamus* to enforce it. How often they had availed themselves of that power the right hon. Gentleman could probably explain. The Penzance correspondence carried on the history of that matter to the present time. It seemed that as the term officer was used in reference to a clergyman, as it was connected with paid officers, therefore no chaplain could be licensed to perform Divine Service according to the rites of the Church of England, in any asylum or workhouse, unless licensed by the Bishop. But that correspondence went further; for it was affirmed on the authority of Drs. Lushington and Nicholl that a clergyman performing Divine Service without licence of the Bishop was amenable to ecclesiastical law, or, in other words, he was doing an ecclesiastical act. According to the Returns obtained by the hon. Member for Shropshire, there were twenty-two union workhouses in which Divine Service was performed gratuitously by clergymen of the Established Church, and illegally, except in one particular case, to which he need not advert. They were not paid officers; they were not chaplains of those workhouses. Therefore all those clergymen were performing an act in violation of the law, when they performed service in those workhouses. By the Returns which he had himself moved for, he found that there were thirty-five towns, not unions, without chaplains. The condition of the five following districts was as follows:—Cumberland, population 178,038, three licensed chaplains; West Riding, population 1,065,453, three licensed chaplains; North Riding, population, 204,122, one licensed chaplain: Cornwall, population 341,279, two licensed chaplains; Durham, population 324,284, none. There were 195 workhouses without chaplains, containing 20,145 persons. That was the state of things at the end of ten years; and that was what they called the Established Church, a Church which they as Conservatives toasted after dinner, with loud cheering and tingling of glasses, and so the mockery must go on. The fact was, that the poor had been deprived of rights to which they were as much entitled as hon. Gentlemen were to their estates. If they persisted in depriving the poor of their rights they would not perform the part of Christians and statesmen, but of tyrants and robbers. They provided a refuge for the lunatic and the criminal; to such they sent a message of forgiveness and mercy. But it had been said, they were so fond of money that poverty was become a crime, a great reproach; nay, they were sunk lower, and deserved a worse reproach than that, which was, that a Member of that House was compelled to stand up and entreat that, for mercy's sake and for God's sake, they would not treat a poor man, however unfortunate and miserable, worse than the criminal. A Bill had recently been sent up to the other House for depriving a portion of their fellow-subjects of certain of their political privileges, but not until a case of abuse and malversation had been made out against them, and they had been heard by counsel at the bar. What right had they then to deprive the poor of this country of a right and privilege more precious than the elective franchise, and far more noble than the right of sending Members to Parliament? But as the poor had no power and no money to provide counsel to be heard in their behalf, he had ventured to come forward as their humble apologist and advocate, and to ask what case had been made out against them that they should be deprived of their right to partake of spiritual instruction and of the sacraments of our holy religion. What was the condition of the poor after ten years' rule of the Poor Law Commissioners? In 1833 the poor-rates amounted to 8,739,832*l.* in 1843 to 7,030,731*l.*, leaving a balance of money in favour of 1843 of 1,706,151*l.* The average of salaries in the Return moved for by his noble Friend the Member for Shropshire was between 41*l.* and 42*l.* Applying this to the workhouses without chaplains which cost about 8,000*l.*, and, if you restored to the poor people part of that which you had unjustly deprived them for the sake of saving money you would still have nearly 1,700,000*l.*, while you boast of having fed more paupers. He would ask how, at the end of ten years, with these facts before them, they could still persevere in setting their seal to this deed of spoliation? He did not believe that the House would reject this Clause; for the whole infamy of the case had not been laid bare before: it was not until now that they were aware that the experiment of ten years had made out such a dreadful case. In founding their schools it was matter of congratulation that without one dissentient voice they determined upon the just and kind principle of not letting these poor children grow up without God in the world. He asked them to extend that principle in this case—to be consistent with themselves, and to show their Christianity and their respect for the poor. Had it not been for the zeal and skill of the local clergy the poor would have been delivered over to the atheist. As far as legislation went the poor had certainly been left in atheism. They had robbed the poor of their rights, because they had determined to save money. This might be the last discussion on the Poor Law in that House, and he hoped it would be signalized by a triumph, not of one party over another, but of Catholic charity over sectarian bigotry, sordid economy, and cowardly compromise. The right hon. Gentleman might feel bound to oppose this Clause as Home Secretary; but he was sure that neither now nor hereafter would he ever regret it if the opinion of that House should prove to be at variance with his own. He had spoken strongly, because he had had to describe a bad and a dangerous state of things, but he hoped he had not spoken intemperately. By taking the sense of the House upon the subject he would relieve himself from any share in the serious responsibility which obviously attached to the right hon. Gentleman. He trusted he had said nothing hurtful to the religious feelings of any one, or to the Government, of which he was a supporter. It was the principle, and not the phraseology, of this Clause that he contended for, and he warned them against refusing a principle so just, vital, and important.

Clause brought up and read a first time.

On the question that it be read a second time,

Sir *J. Graham* gave the utmost credit to the hon. Gentleman for the purity of his motives, but he must complain of the warmth of language which he had indulged in. He must emphatically deny that atheism had ever been established by Act of Parliament, or that any crime or robbery had been committed against the poor by the New Poor Law; and he was perfectly willing to take upon himself any responsibility which might attach to the rejection of the Clause, if the House chose to follow his advice and negative it, because he very much doubted whether the attempt to force that form of worship to which both the hon. Gentleman and himself were attached, by compulsion upon every workhouse—by means of quartering a paid chaplain upon every workhouse—would be attended with any advantage. Nay, he doubted whether it would not be productive of very great evil. He respected the motives and excellent intentions of the hon. Gentleman, but he must be allowed to question his discretion. He utterly denied that unions had been formed with the sole desire of saving money. That intention had always been denied by those who were responsible for the introduction of the Bill, and had been equally denied by those who had supported it since. The hon. Gentleman would bear in mind that the whole system of the Gilbert Unions was antecedent to the New Poor Law, and yet when those unions of parishes were formed, there was no provision whatever made for chaplains—and wherever those unions existed no chaplain was now appointed. It was within the knowledge of the House that the formation of those unions bore date fifty years back. The hon. Gentleman made another statement, the accuracy of which he begged leave to doubt. The hon. Gentleman declared that the celebration of Divine Worship in a workhouse by a Clergyman of the Church of England was an illegal act. [Mr. *O'Brien*: If he were not licensed.] It so happened that there was a provision in the New Poor Law Act that every chaplain performing Divine Worship in a workhouse should first obtain the sanction of the Bishop of the Diocese in writing, and when that sanction was obtained, what became of the illegality? But if not performed by a chaplain it could only be performed by the clergyman of the parish, and was he to be told that a clergyman of the Church in connection with the State was acting illegally in discharging one of the imperative duties of his sacred office by visiting the poor of his parish—it mattered not that they were his parishioners by the operation of the law under which union Workhouses were erected—still they were his parishioners? It was the bounden duty of such a clergyman to devote the whole of his time to the discharge of his parochial duties, and surely no one could say that the visitation of the poor, and administering spiritual consolation to them—whether in their own cottages or in a workhouse, was not one of his sacred duties. In either case, therefore, he was at a loss to understand in what the illegality consisted. What were the facts of this case? There were in England and Wales 587 unions. In 21 of these there was no workhouse at all; in 53 the workhouses were very small, and contained only a few inmates, in many instances not more than 20; and in 513 only, there were large and complete workhouses. As the Act of Parliament now stood, the Poor Law Commissioners had the power of compelling, at their discretion, the appointment of chaplains, and fixing their remuneration; but they had not the power of selecting the individuals to be appointed; that power rested with the guardians. But the hon. Gentleman would make it imperative to appoint chaplains in every union; and, therefore, the House must either fall into the absurdity of having chaplains in the 21 unions where there were no workhouses, and in the 53 where there were only a few inmates in the workhouses, or leave the discretionary power to the Commissioners, which they now possessed, and for the exercise of which the Executive Government was indirectly responsible. How had the Commissioners exercised that power? In 411 out of the 513 unions in which there were large workhouses, and in which alone the question of the appointment of chaplains could arise, chaplains had been appointed—that was in the ratio of every four unions out of five. The hon. Gentleman had stated accurately that their salaries varied from 40*l.* to 50*l.* a year. Since he had held office an alteration had been made on a most important point connected with this question. A doubt had arisen whether on Sundays the inmates of workhouses should be allowed to leave the precincts of those establishments, even for the purpose of attending public worship; while there was that restraint on the inmates of workhouses, he thought the duty of administering spiritual consolation to them within those establishments was one of an imperative kind; but it having appeared to him that this rule ought to be relaxed, a new rule was issued by the Poor Law Commissioners allowing the guardians to make such regulations as they might deem expedient for authorising members of the Established Church, not being the mothers of illegitimate children, to attend public worship in the parish church on Sundays, Christmas-day, and Good Friday, under the control of the master and matron of the workhouse. This was the regulation issued in the first instance; but the exception with regard to the mothers of illegitimate children was afterwards withdrawn. Similar regulations were issued for allowing Dissenters to attend their places of worship. As he had said before, he held it the imperative duty of the clergyman of the parish to visit the inmates of the workhouse; and as to Dissenting ministers, they had free access to the members of their own creeds. He thought, therefore, that the reasoning of the hon. Gentleman was not substantiated by facts—that the discretion vested in the Poor Law Commissioners had been wisely, prudently, and temperately exercised, and that if the House was to attempt by Act of Parliament to say that this discretion should cease, and that in every union a chaplain with a fixed salary should be appointed, they would injure, instead of promoting, the cause of true religion, and excite feelings of discord which they would find it difficult to allay. Therefore, though professing as sincere an attachment to the Established Church as the hon. Gentleman, or any other hon. Member of this House, he shrunk from the responsibility of attempting to carry any such proposition, which would be violently opposed by the Dissenters, and which Churchmen could only enforce in despite of much ill will and angry opposition.

Mr. *Liddell* had heard with considerable regret the very strong language which had been used on this subject by his hon. Friend the Member for Northamptonshire; and he had listened with great interest and equal satisfaction to the statement made by the right hon. the Secretary of State for the Home Department. His hon. Friend the Member for Northamptonshire had referred particularly to the county of Durham; he entirely disagreed with him as to the supposed deficiency of spiritual consolation furnished to the poor in the workhouses of that district. It had not been found necessary in that part of the country to construct such large workhouses as in the south. For the large population of the towns some additional accommodation had undoubtedly been found necessary in the existing workhouses; but in the rural districts scarcely any addition had been found requisite. His own union, for instance, comprised seventy-two townships, and yet the workhouse never contained more than seven or eight able-bodied paupers, nor was it capable of holding more than fourteen. The fact was, relief to the able-bodied was scarcely ever required, and that to the old and infirm was almost universally given at their own homes. The condition of the workhouses, therefore, in that county was altogether different from that of the workhouses in the more pauperized unions of the south. He had been in constant communication with clergymen, intimate friends, and near relatives of his own, respecting the condition of the poor in these workhouses, and he had never heard any complaint of the want of spiritual assistance; and, after what had fallen from the right hon. Baronet as to the facility afforded to the inmates of all workhouses, both Members of the Church of England and Dissenters, to attend Church and Chapel every Sunday, he did think it would be dangerous to exercise anything like compulsion in the appointment of Episcopal chaplains. Indeed, looking to the prevalence of dissent, which, in the mining districts especially, might be well accounted, for without bringing into question the zeal and piety of the Church; looking also to the number of Presbyterians in Northumberland and of Roman Catholics in Durham, he did think it would be manifestly adverse to the feelings of those portions of the community to compel the appointment of Church of England chaplains to the workhouses, at least in that part of the country.

Mr. *M'Geachy* also regretted the tone in which his hon. Friend had introduced this Motion, but he equally regretted the tone in which the right hon. Baronet had dealt with the question. If the Church of England was what he believed it to be, he could not think it safe only so long as it was kept out of sight. It did appear to him the duty of the State to provide spiritual instruction for its subjects through the means of the Establishment; if not, the Church was only a political engine; and, when the appointment of chaplains was compulsory in men-of-war and convict ships, he did not see why it should not be so in workhouses. The authority of Dr. Lushington himself, who had always most strenuously upheld the rights of conscience in that House, might be quoted in favour of this view. Speaking in 1841, on the subject of district union Schools, Dr. Lushington said,—

> "Whatever objections might be made, on the part of certain persons, to the appointment of a chaplain to these schools, he was satisfied of the necessity of such an appointment. . . . . He entirely assented, therefore, to the proposition for the appointment of a chaplain. . . . . However liberal might be his opinions, with respect to those who differed from the Church of England, he had ever strenuously maintained the superintending power of the diocesan in all matters connected with the Church of England. He

thought that no clergyman should be appointed to so important a trust without the sanction of the Bishop."

With that sanction for his opinion, he trusted the House would assent to the proposition of his hon. Friend.

Mr. *C. Buller* considered that the practice of connecting the Church with every measure was not calculated to promote its utility or increase of influence. He thought the right hon. Baronet the Home Secretary had adopted a wise and prudent course in this matter, as a friend of the Church. The Dissenters in many localities were numerous, and as in Cornwall, had become so in consequence of the neglect of the Church in times past. It was admitted by all parties, that where persons were taken away from their own parishes and placed in workhouses, religious instruction should be provided for them; and if it should so happen that the number congregated together in those workhouses was larger than the clergymen of the parish could attend to, other assistance should be provided. That was done in the least objectionable way by the right hon. Baronet in his Bill. The principle upon which chaplains of the Established Church were appointed to ships and gaols was not applicable to the present case. The appointment of chaplains to every workhouse as proposed by the hon. Gentleman, would occasion a tax upon the rate-payers, which, in many instances, would create irritation and ill-feeling, which would operate against the beneficial working of the law. Under all the circumstances, he thought the more prudent course was that proposed by the right hon. Baronet. He should therefore vote against the Clause.

Mr. *S. Wortley* looked upon the question as one of some difficulty, but would rather leave the appointment of these chaplains to the discretion of the Commissioners. He should oppose the Clause.

Mr. *Henley* doubted whether the parochial clergy could attend to the spiritual wants of the poor in the workhouses, together with their other duties. It was of great importance that religious instruction should be provided for the poor in the workhouses, and that that provision should be made by legislation, and not left to chance or to the discretion of the Poor Law Commissioners; and when they found, that during ten years, the Commissioners had not appointed more than four or five chaplains in all, he thought it high time the Legislature should interfere.

Sir *J. Graham* repeated that guardians had now the power, without any exception, of allowing the inmates of workhouses to go out on Sunday.

The House divided on the question that the Clause be read a second time:—Ayes 19; Noes 82: Majority 63.

List of the AYES.

Baskerville, T. B. M.
Borthwick, P.
Courtenay, Lord
Dickinson, F. H.
Farnham, E. B.
Forbes, W.
Forman, T. S.
Henley, J. W.
Hervey, Lord A.
Ingestre, Visct.
McGeachy, F. A.
Marsham, Visct.
Milnes, R. M.
Newdegate, C. N.
Packe, C. W.
Rolleston, Col.
Russell, J. D. W.
Spooner, R.
Taylor, E.

TELLERS.

O'Brien, A. S.
Manners, Lord J.

List of the NOES.

Aldam, W.
Allix, J. P.
Antrobus, E.
Baring, hon. W. B.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Bouverie, hn. E. P.
Bowes, J.
Bowring, Dr.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Buller, C.
Chetwode, Sir J.
Childers, J. W.
Chute, W. L. W.
Clerk, Sir G.
Corry, rt. hon. H.
Cowper, hon. W. F.
Cripps, W.
Curteis, H. B.
Denison, E. B.
Dodd, G.
Douglas, J. D. S.
Duncan, G.
Eliot, Lord
Elphinstone, H.
Escott, B.
Flower, Sir J.
Forster, M.
Fremantle, rt.hn.SirT.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone, rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt.hon.Sir J.
Greene, T.
Hawes, B.
Herbert, hn. S.
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Howard, P. H.
Jermyn, Earl
Knatchbull, rt.hn.Sir E
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Meynell, Capt.
Mitcalfe, H.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Napier, Sir C.
Nicholl, rt. hn. J.
Ogle, S. C. H.
Pechell, Capt.
Peel, J.
Ponsonby, hon. C. F. A.
Pringle, A.
Rous, hn. Capt.
Rushbrooke, Col.
Sanderson, R.
Sheppard, T.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Talbot, C R. M.
Tennent, J. E.
Thesiger, Sir F.
Thompson, Ald.
Thornhill, G.
Trench, Sir F. W.
Trotter, J.
Vernon. G. H.
Wawn, J. T.
Wilde, Sir T.
Wortley, hon. S.

TELLERS

Young, J.
Baring, H.

The further consideration of the Report postponed.

House adjourned at one o'clock.

HOUSE OF LORDS,

Thursday, July 25, 1844.

Minutes.] Bills. *Public.*—1ª· Church Endowment; Duchy of Cornwall Lands; Three-and-a-Half per Cents. Dissentients; Duchy of Cornwall Assessionable Manors.

Reported.—Transfer of Property.

3ª· and passed:—County Coroners; Actions for Gaming Discontinuance; Sudbury Disfranchisement; Parish Constables; Soap Allowances; Western Australia; Loan Societies.

Private.—2ª· Ayr Bridge; Hough's Divorce (India).

Reported.—Bishop of Down, Connor, and Dromore's Estate; Lord Lovat's Estate; Rochdale Improvement; Gaspé Fishery and Coal Mining Company; Ventnor Improvement; Sir George Gervis's (or Pemberton's) Estate.

Petitions Presented. From Robert Henry Aberdein, of Honiton, Coroner, for more adequately remunerating Coroners.—From Robert Paten, of Bushey, Engineer, for Inquiry into certain Experiments made by him for Supplying London with Water.—By Lord Brougham, from Island of Jamaica, respecting the proposed Reduction of Duty upon Foreign Sugar and Coffee.—From Lewes, and several other places, for Protection to Agriculture.—From Redmire, against a Free Trade in Corn.

Select Committees on Opposed Bills.] Lord *Redesdale* moved, according to Notice, that

"The Standing Order requiring that every Private Bill which shall be opposed be referred to a Select Committee of Five Lords, who shall choose their own Chairman, be suspended during the remainder of the present Session and that the Lords who are appointed a Committee to select and propose to the House the Names of the Lords, may, if they find it in any case necessary, select and propose Three Lords, to form such Committee, instead of Five."

Consideration of the Motion adjourned to Monday.

Actions for Gaming Discontinuance Bill.] Order of the Day for the Third Reading, read.

The Marquess of *Normanby*, in the absence of the Duke of Richmond, moved the third reading of this Bill.

The Earl of *Radnor* opposed the Bill. The previous Bill, which this proposed to continue, was passed on the ground that the defendants in these *qui tam* actions were ignorant of the penalties to which they were liable for betting. It appeared to him, however, from a careful perusal of the evidence before the Committee which had lately sat on this subject, that they were not unaware of the illegality of their proceedings; for they recommended to the Committee, as the only means of remedying the evil practices in "the ring," that betting should be legalised. But however plausibly they might have pleaded ignorance on the former occasion, they could not do so now, after having had their attention so long directed to the subject.

The Marquess of *Normanby* supported the Bill. He was, indeed, rather surprised to hear the noble Earl oppose it at its present stage, because, as he recollected on a former occasion, when it was before their Lordships, the noble Earl seemed to think that it would be better to make the Bill more effective than it was, namely, to go to the entire discontinuance of these actions, instead of merely suspending them. He hoped their Lordships would not hesitate to pass this Bill, the object of which had met with the general concurrence of both Houses of Parliament.

After a few words from the Earl of *Stradbroke* and Lord *Foley*, in support of the Bill, it was read a third time and passed.

Instructions for the Suppression of the Slave Trade.] The Earl of *Aberdeen* said, that he had the honour to lay upon the Table Copies of Instructions which had recently been prepared for the guidance of naval officers in Her Majesty's service engaged in the suppression of the Slave Trade. Early last Session he had stated to the House that Her Majesty's Government had thought it expedient to submit to revision the Instructions under which these officers had hitherto been acting in the discharge of their duty, and that revision being now completed, he thought it proper that the result should be laid before their Lordships, in order that all the world might become aware not only of their general principles and motives, but also of every thing by which the conduct of their cruisers was regulated in the execution of the objects they had in view. Her Majesty's Government felt that as they had nothing to conceal upon this subject, the greatest possible publicity would be desirable—they felt that this course would afford the best refutation to the calumnies and false accusations which had been made against this country for her conduct in the suppression of the Slave Trade, imputing that under the pretext of humanity she only sought to extend her own commerce, and to cripple and discourage that of other countries. The revision of these Instructions was in truth not only expedient, but necessary and indispensable. On coming into office he found the Instructions on this subject in existence very inadequate and imperfect; in some respects, indeed, contradictory and inconsistent, and not always conformable to public law and justice. Under these circumstances, some inquiry seemed to be indispensable as to the nature of these Instructions, and the mode in which they had been hitherto framed and communicated to the parties for whose guidance they were intended. It was then found that the custom had been that, as from time to time treaties were entered into with Foreign Powers for the suppression of the Slave Trade, copies of them were sent to the naval officers engaged in this department of public service, without being accompanied with any instructions or explanation, those parties being left to execute them according to the best of their judgment. When he reflected upon the number of these treaties (and there were not less than thirty) and the nice distinctions which there were in some, while the distinctions in others were great and striking, and the amount of judgment and discretion which was required justly to carry out all their intentions, it appeared to him that their officers had a right to expect that Government should give them every possible assistance in the execution of their very important, but difficult and delicate duties. For this purpose, therefore, he had proposed that such Gentlemen should undertake the revision of the whole of these Instructions as appeared to him likely to carry with them the confidence of the public in any matter which they might undertake; and he felt bound to state the names of the Gentlemen who had undertaken this important inquiry, because, beyond the approval of their own consciences, they would receive no reward, except the thanks of the Government, and the grateful feelings of the country to whom they had rendered this service. The first Gentleman appointed was Dr. Lushington, of whom he should certainly say nothing on the present occasion, but of whose great learning and long and active exertions in regard to this question their Lordships were already aware. The second Gentleman was Mr. Bandinel, of the Foreign Office, who had been for some time charged with the official superintendence of a department relating to this matter, and whose services had been of the greatest possible utility. The next name was that of Captain Denman, whose experience on the coast of Africa, and whose general activity and intelligence had been eminently distinguished in this service. The fourth Gentleman appointed was Mr. Rothery of Doctors' Commons, whose attention had been long directed to this subject. These four Gentlemen undertook the task during the whole of the last year, and had bestowed unremitting and most laborious attention upon the subject of inquiry submitted to them; and as the result of their labours, had recently submitted to him (the Earl of Aberdeen) a Report containing a complete body of Instructions, which after having been submitted to the Law Officers of the Crown, and received such modifications as appeared to be necessary and desirable, were now in the state in which he had the honour to lay them on their Lordships' Table. He wished to take this opportunity of stating, however, that necessary as these Instructions were, he had been much astonished at the general sound judgment and discretion displayed by the officers engaged upon this service. It was perfectly true that with that intrepidity which was displayed by our Navy on all occasions, and particularly when engaged in suppressing practices which they in common with all men held in great detestation,—it was perfectly true, and it was not surprising, that occasional error may have been committed, arising out of an excess of zeal on the part of the officers in the discharge of their duty; but he must say that, upon the whole, it was wonderful to observe how much discretion, forbearance, and caution, had been shown by them in the discharge of this duty, and when errors had been committed, his (the Earl of Aberdeen's) endeavour had been promptly to make redress where injury had been inflicted:—and this was a matter of very great importance, for it was the first great point to attain towards the redress of one class of injuries, that wrong be not done to other parties; and he had always felt that the cause they were engaged in would suffer more from acts of injustice, violence, and oppression, than even the escape of guilty parties—for their Lordships must be perfectly aware that this country could never alone accomplish the suppression of the Slave Trade—it was obvious that they must depend for the success of that undertaking upon the goodwill and co-operation of other countries, and, to attain these, they must prove that they were animated by disinterested and pure motives, and show a due regard for their rights and privileges. He did not propose to enter, at that moment, into any justification on the part of Her Majesty's Government for anything they had done with respect to the suppression of the Slave Trade. He did not see any disposition to cast any censure there, or anywhere, upon them. He did not propose either to enter into any lengthened view of the progress that had been made by this country in the suppression of the Slave Trade. He might, however, just mention, that notwithstanding the unceasing exertions and the great sacrifices made by this country, their work was still very imperfect; and although much had been done, still they were far from arriving at a completely successful result. It appeared that for many years, from the first tolerably accurate account on the subject, down to a recent period, about the same number of slaves continued to be imported into the American Colonies and Continent. The number of 100,000 slaves annually appeared to have been exported from Africa down to a recent period—even the abolition of the Slave Trade by this country did not appear materially, or in any degree, to affect the amount of slaves that were torn from their country. The only period in which there appeared to be any considerable diminution was from the year 1830, to 1835, for during these years the average amount of slaves exported from Africa appeared to have been 58,000. Down to that period, from 1768, when they had the first notice of the numbers, the number varied from 90,000 to 100,000, but from 1830 to 1835 the number had fallen to 58,000; but then, he regretted to say, in the five succeeding years, that was from 1835 to 1840, the number had again risen to 99,300 and odd. From 1840 to 1844, three years during which Her Majesty's Government, as he understood, had been said to be more remiss or lukewarm than their predecessors in their seeking the attainment of that great object—the suppression of the Slave Trade. It would be a sufficient answer to observe that the numbers exported averaged only 28,000, being the lowest average by far that had ever been assigned. The lowest exportation of slaves from Africa was in the year 1842, when it appeared, that including Brazil and Cuba, there were only 17,000 slaves exported. He was sorry to say that in the last year, 1843, the number had risen to 38,000, making an average for the three years of 28,000. This fact was to be attributed to two causes. First, the necessity that was imposed upon this country of removing a considerable number of their squadron which was on the coast of Brazil, watching for slavers, in order to attend to the British interests, which were very materially affected and endangered by the senseless war carried on between Buenos Ayres and Monte Video. The lives and properties of British subjects were so much compromised by that war, that it was impossible to allow the same number of cruisers to remain on the coast of Brazil. The second reason was the change in the Captain-Generalship of Cuba. During the last year of the Administration of General Valdez, there were only 3,000 slaves imported into Cuba. He had said in that House, and he had no doubt that he was within the fact in making the assertion, that had General Valdez remained as Captain General of Cuba, and had he continued to possess the confidence of the Government at home, the Slave Trade would have been completely annihilated in that country. The Spanish Government of the Regent, though well disposed to the abolition of the Slave Trade did not, however, support General Valdez in his humane intentions, in particular towards the close of his administration, when he received positive orders from the government of the Regent to relax in his endeavours to suppress the traffic. Whether, then, that honourable person would have obeyed these instructions, or have resigned his office he did not know; but he was recalled shortly after these instructions had been sent to him. The Slave Trade interest in Spain must have been very strong, when it was able to force the Regent to give orders which certainly were against his own inclination. Their Lordships would now see what amount of misery still remained, and what measures they were prepared to take to put an end to it if possible, or at least greatly to counteract it. They had reduced the exportation to the settlement of the west, for the slaves that were now carried from Africa were confined to Cuba Brazil, and Porto Rico. At present no other countries but Spain and the Brazils profited by the trade, for he was happy to say that the Portuguese government, since the treaty concluded with this country for the abolition of the Slave Trade in the year 1842 had acted with good faith on this question; and their superior officers on the coast of Africa showed every desire to co-operate with England in putting down the traffic. He had, therefore, reason to hope, that Portugal had entered upon a new course of conduct with respect to the Slave Trade. The change that had taken place in Cuba, and the conduct of the local authorities of Brazil, were certainly topics which he was unwilling to dilate in the manner in which he felt they deserved, but these states should recollect that England had treaties with them upon this subject—that they had entered into engagements with England, and that they had thereby placed themselves under obligations as binding and as strong as if they had ceded towns or provinces to us, that we had achieved the conquest of humanity and were as much entitled to enjoy the fruits of that conquest as of any other; and that these treaties they must be prepared to fulfil, and that England must propose the means by which these treaties should be executed honestly and faithfully. He had no hesitation in saying this, that if the Governments of Brazil and Spain had but for two or three years executed faithfully, honestly and zealously those treaties with this country, the Slave Trade would be now absolutely at an end. He had no doubt that such would be the case, and he, therefore, need not say, that no efforts would be spared to accomplish the object (seeing how the field had been contracted and narrowed) to secure the fulfilment of those treaties. The noble Lord opposite (the Earl of Clarendon), who formerly filled the station of Minister of this country at the court of Madrid, and by whom a treaty was concluded in 1835 with Spain, was aware that by the second Article of that treaty the Spanish Government engaged that a law would be enacted in a few months after the treaty had been signed, by which there should be affixed a very severe punishment upon persons engaged in the Slave Trade. Now, from that time to this, the noble Lord knew that all the expectations of this country on the subject had been vain; no such law had been enacted until very recently; but within a very few weeks, he was happy to say, the very honourable and estimable person who had been for a very short time only, at the head of the Spanish Ministry, and had now resigned (the Marquess of Villuma) had signalized his brief tenure of office by proposing a law perfectly satisfactory upon the subject. M. Villuma had sent instructions out to Cuba, which would have the force of law there, until they received the sanction of the Cortes and was made law in Spain. This was the first indication of a desire to fulfil that pledge which had been given in 1835. He also wished to mention another circumstance which led him to entertain the hope of success: that hope was afforded to him by the very active co-operation and perfect understanding which existed between the commanders of Her Majesty's cruisers on the coast of Africa, and those of the squadron of the United States. The officers employed by the United States had co-operated cordially with Her Majesty's officers and there could be no doubt but that the greatest possible advantage was derived from that good understanding. This was of the more importance, because it showed that the slight differences existing between us in connection with certain claims made respectively by the two Governments required nothing but a conciliatory spirit and a friendly disposition on the part of the persons engaged to render that difference of no importance, although had a different spirit prevailed, difficulties might have arisen from a difference of view. Such in the present case, could end in no disagreeable result. He had also reason to know that the French Government had recently shown a disposition to take a more active part than they had hitherto done in the suppression of the Slave Trade by means of their cruisers on the coast of Africa. With the co-operation, then, of the squadrons of the United States and the French cruisers, they had a better prospect than before of a successful termination to their exertions. It might be proper for him, in speaking of these prospects, and as to what was to be done on the coast of Africa, to advert to a plan of Her Majesty's Government—a plan which they had decided to adopt as part of the course of their operations, though it was not yet complete, but from which he sanguinely believed the greatest advantages might be derived, and which would ultimately be attended with the greatest success. It had always appeared to him that our efforts for the suppression of the Slave Trade were open to a considerable objection; for he always thought that an imperfect watch on the coasts of Africa and America—unless they could suppose that slaves were to arise from the depths of the sea—would prove an injudicious mode of employing our force. Every place was known from which slaves could come, and the most natural thing he thought for them to do was to watch the places where the slaves must come from. Having always entertained these views, he was much struck with the evidence of Captain Denman before the Committee of the House of Commons in the year 1842, in relation to this subject. Having since then had frequent communication with that gallant officer, and other officers of great experience on the coast of Africa, he had determined to have the greatest possible increase of force on that coast, with a view of preventing any export whatever of negroes. This plan had been spoken of as a blockade. Nothing could be more incorrect—a blockade was a belligerent right, and this could only be exercised by those who engaged in acts approaching to hostility. In this case, there was to be no blockade; so far from that, there was the greatest desire, by every possible means, to extend the commerce and trade with the African coast. It was to be no blockade—it was to be only a strict watching of these vessels, belonging to countries which had bound themselves to England by treaties, and which vessels they, by the Law of Nations, as well as by the municipal law of this country had a right to visit and detain. Difficult as this undertaking might appear, yet they had the opinion of those best acquainted with the service on the coast, and all agreed as to the practical effect certain to follow from the means they proposed. He might mention the names of Captain Matson and other officers who had been most successfully engaged in this service. He was, therefore, very sanguine indeed that the measure they were adopting would be attended with success. It was not to be imagined that they intended to abandon altogether the cruising on the coast of Brazil. The force there was diminished, because Her Majesty's Government had not sufficient ships at their disposal to perform that, with other services required. A force, however, would be kept up there to intercept those slavers who might possibly escape from the cruisers on the coast of Africa; but from the plan they adopted, and from the proper disposition of their forces, they did believe that it would be impossible for a single ship to escape from the coast of Africa. They did not, he begged to observe, mean to confine themselves to the western coast of Africa alone. By no means; for there would be a sufficient number of cruisers allotted to the eastern coast also. That was a coast more easily watched, and where ships were required of so much larger size, so that their cruisers, he was sure, would be able to act with the greatest possible success. Without a careful watch upon both coasts he thought that nothing effectual could be done. He trusted then to have a sufficient force allotted to the eastern coast of Africa as well as on the western coast. Moreover it was to be observed, that there was this advantage, that here there was no political interest to interfere with the strict discharge of this duty. On the coast of Brazil, they were liable to interruption, for it was impossible to neglect the rights and interests of British subjects, even for so great an object as the abolition of this trade: whereas, on the coast of Africa there was nothing of the kind to be apprehended; and there these ships could, without the slightest interruption persevere in the object they had in view. It was very possible that improvements might hereafter take place, as compared with the first distribution of their naval force. He must say, that from the conjoint opinions he had received on the subject, he thought that they might anticipate the most favourable results. It was, then, with these views that the present Instructions had been framed for the guidance of the officers entrusted with this service; and in adverting to these general Instructions, he did not now mean to detain their Lordships by describing these Instructions more particularly. In these Instructions the endeavour was made to embrace every possible object, and to provide against every difficulty—from the persons that had been employed, and the time and labour that had been given to this subject, he hoped that all that could be expected would be found to be provided for. They were composed of different parts, and applied to different objects; and in addition to the Instructions, every treaty on the Slave

Trade was given, with a digest of those treaties, the peculiarities of which were pointed out, with specific directions applicable to each: and as he hoped and believed that those Instructions would be useful to the officers employed, so he also was confident that they would be found of great advantage to them in the service on which they were engaged, and in the attainment of the great object for which they were engaged.

The Earl of *Minto* said, he had heard with great satisfaction the speech of his noble Friend, and believed the regulations were very satisfactory, and would afford useful instruction to officers as to the mode of carrying into effect the measures for the Suppression of the Slave Trade. His noble Friend had made one or two observations upon the want of such instructions under the preceding Government: but he was not aware of any instance in which the slightest difficulty had occurred on the part of any officer employed in executing the treaties, which were extremely intelligible. Approving as he did of the system which his noble Friend could not call a blockade, but a watchful attention to the coast of Africa, he still thought that there must be a vigilant attention paid to the importation of slaves into Cuba and elsewhere: He thought the reduction of our naval force had had some unfavourable influence upon the trade, and that, by employing a considerable force on the coast of Africa, the trade, if not entirely put an end to, might be very materially reduced.

Lord *Colchester* said, that having been in command of one of Her Majesty's ships on the coast of Africa, he could not help thanking the noble Earl (the Earl of Aberdeen) for issuing those precise and full Instructions for the guidance of officers on that coast. He knew, from his own experience, the difficult situation in which officers were placed when nothing was put into their hands but the treaties themselves, of which they had to make the best use they could, without any precise instructions. Those Instructions would, therefore, be most useful to officers so employed. With respect to the number of slaves exported from Africa between 1830 and 1835, it was to be recollected that, in 1830, slavery was abolished in the Brazils, or rather a treaty was concluded with the Brazils for that object, and the Brazilians had previously increased their stock of slaves, so that in subsequent years they had imported but few. As to the system of a stricter watch on the mouths of the African rivers, he believed that this would prove very efficient. It was pretty well known on the coast of Africa what vessels were. He was glad also to know that a distinction was made between a blockade and watching the coast. The word "blockade" led to great misconceptions abroad.

The Earl of *Clarendon* expressed his satisfaction at the speech of his noble Friend opposite, and his fervent wish that the measures which had been taken would be successful in abating the Slave Trade, and procuring for us what we had never yet obtained, however justly we were entitled to it, namely, the hearty co-operation of other countries in our humane endeavours. From what had fallen from his noble Friend, he was glad to find that we had a right now to expect such co-operation from France and from the United States, and he thought his noble Friend had done extremely well in procuring from the Spanish Government the order which it appeared had been sent to Cuba. It was true that the Treaty to which he (Lord Clarendon) had been instrumental in 1835 did contain an article of a similar purport, but although he had certainly pressed to have that article carried into effect, he was constantly told that it was impossible in the state of feeling then existing in Spain, and that the proposal of such a measure to the Cortes would create a still greater feeling of dissatisfaction. There was one point upon which he thought it desirable that his noble Friend should give an explanation, and that was the mode in which he proposed to deal with the barracoons on the African coast. That point had been adverted to in the other House, and the right hon. Gentleman at the head of the Government had said that it was not the intention of the Government to permit the naval officers to destroy the barracoons, unless the previous consent of the African chiefs was obtained. He thought such a regulation would be satisfactory. It was consistent with the law of nations; and he did not believe there would be any difficulty in obtaining such consent. The new regulations in train with respect to the barracoons had no reference to the Spaniards who were called the proprietors of them; for by the Treaty of 1817, all

Spaniards were expressly prohibited from dealing in any way with slaves on that coast; and he believed there was an action now pending against Captain Denman for the destruction of a barracoon which a Spaniard claimed as his property; but he believed that his holding such property on the coast of Africa was in direct contravention of the laws of his own country. He wished he (Lord Clarendon) could share in the sanguine expectations of his noble Friend, as to the success of the proposed regulations; but he feared they would be no more successful than any other steps that had been taken, for the more he considered all that had been done for the abolition of the Slave Trade, and the prospect which was now before us, notwithstanding what had fallen from his noble Friend, the greater and the more discouraging did the difficulties appear, for the enormous expense we had incurred and must still incur, and the danger of embroiling ourselves in war with other countries, were not more manifest to his mind, than the failure of all that had been done hitherto. And indeed so far as success had crowned our efforts, it had only been the means of extending the Slave Trade, and adding incalculably to the sufferings of the unhappy creatures who were sacrificed to it, because those unhappy creatures of rapacity were now battened down in vessels constructed exclusively with reference to speed, and the mortality was far greater than before; and in order to fill up the deficiencies thus occasioned by death or by capture—his noble Friend did not believe this—but he (Lord Clarendon) believed he was rather understating than overstating the case, when he said that double the number of persons were torn from their families and friends and sold into bondage, than when the Slave Trade was free, and the dealer was able to treat his living cargo as he pleased. These were melancholy reflections, but it would be trifling with the great interests of humanity to shut our eyes to the fact, and to continue relying exclusively for success upon arrangements which had hitherto not been successful. He thought too much credit could not be given to the predecessor of his noble Friend; he felt that the gratitude, not only of this country, but of the whole civilized world was due to him for the persevering and successful efforts he had made to engage other countries to join with us in a crusade against this unholy traffic. That was certainly the right course to pursue after our own act of emancipation but experience had shown what it was worth, and what had been its effect, and he thought we had no right to expect better results from treaties than they had produced hitherto. His noble Friend might not agree with him, but let him recollect that of the countries which had concluded those treaties, some had been bribed, others had been influenced by political considerations, but not one had entered into them with the same spirit of philanthropy that had actuated our conduct. There was not one of those States that had signed a Treaty without an intention of violating its stipulations. He thought all must concur in the praise bestowed by his noble Friend upon General Valdez. He was sure that a more honourable or upright man could not be sent with authority to a distant country, and he believed he would have resigned rather than comply with the instructions of Espartero, to be no longer active in the Suppression of the Slave Trade; but the circumstance of Espartero being obliged to send out such instruction, showed how strong the feeling must be in Spain, and in Cuba also, for it was in consequence of communications from Cuba that they were sent. We have seen how faithfully the Treaty had been observed by Valdez, and how shamefully it was violated under O'Donnell. We knew that the Slave Trade was at this moment as much carried on under the flags of Spain and of Brazil as ever, and that notwithstanding our laws and public opinion in this country, British merchants and British capital were involved in it—we knew how narrowly we were exposed to the danger of war with France and the United States, but he rejoiced to hear of the satisfactory state of the vexed question of the Right of Search. Far be it from him to say that we ought to abandon our system to release other countries from the engagements by which they were bound, or to cease to place our cruisers where the Government of the country thought they would be most useful; but he said that we ought to prove to other countries that the labour of freemen was more productive than that of slaves; and, therefore, that it was the interest of other countries to put an end to slavery. It was because we had not given that proof to other countries that they looked upon our experiment as a failure, and viewed our disinterested philanthropy as a trick only intended to delude. And the reason why we had not given that proof was, that in our Colonies free labour had not had a fair trial. In the larger Colonies the agricultural population formerly employed in the cultivation of sugar was now otherwise engaged, and the production of sugar had fallen off; but in the smaller Colonies, where the population was dense, and where the land was appropriated, the production of sugar was increased, and the cost diminished, so that it might now be considered as proved that where the population was in proportion to the soil, and to the value of the capital invested, the labour of the negro was more productive as a freeman than it had been when he was a slave, and that the wages which he received in producing cheaper sugar were sufficient to keep him not only in comfort, but in luxury. If our larger colonies, which were superior to Antigua and Barbadoes in fertility and natural advantages, were placed in the same position, their production would be increased twelve or thirteen per cent., like that of Antigua, instead of having fallen off one half. The long and severe struggle which had preceded emancipation gave rise to angry and suspicious feelings, which unfortunately survived that great act of humanity, and the conduct of the Government since had been a continued pandering to the suspicion and jealousy which existed. If the affairs of our Colonies were administered with a regard for the best interests of all parties, they would not now be in that state of depressionwhich was appealed to in all parts of the world as the strongest proof of the necessity of slavery. If the Government, and not Exeter Hall, would legislate—if they would assist labour for the Colonies in a less jealous, and suspicious, and niggardly spirit than hitherto—if they would secure to the labourers the same civil rights as their employers enjoyed—if they would remove the restrictions which still weighed upon our colonial trade—he believed in his conscience that the time was not far distant when differential duties would become unnecessary, the West Indies would be a source of prosperity instead of being a cause of irritation and discontent, and the success of free labour would become the most formidable weapon for the abolition of slavery in all parts of the world. These were his opinions, and having had the opportunity of many years examination of the subject, and communication with countries where the Slave Trade was encouraged; and as he yielded to no man in an earnest desire for the extinction of the whole system, he had not hesitated to express his opinion that no sacrifice of life or capital on our part, no treaties however binding, no regulations however stringent, would be effectual in putting an end to the Slave Trade, until we had given undeniable proof to slaveholding countries that free labour would be more beneficial to them than slavery.

Lord *Brougham* agreed in all that had been said in approval of the wise, judicious and humane proceedings of the Government, and thanked them for having adopted them. He thought also that the thanks of the Parliament and of the Government were due to those who had long laboured for the suppression of the Slave Trade, and to whom such an acknowledgment would be the only remuneration they could receive. There was one point which seemed to require a little explanation. It would be unfair to conclude that because the number of slaves exported after the Abolition Act of 1805, and the Acts of 1806-7, was as great as before that, therefore those Acts had had no effect, because if those Acts had not been passed, there was every reason to believe the number would have been greater than before, and that while foreign countries increased their Slave Trade, we in Guiana, in Trinidad, and even in our own Colonies, would have been carrying on the Slave Trade with the effect certainly of having cheaper sugar, but at the expense of unfortunate Africa. He heartily hoped that much good would result from the new course suggested by his gallant Friend Captain Denman, and, he was sure, from what had been said by his noble Friend, that we had a just prospect of seeing an end put to the Slave Trade. He agreed with his noble Friend near him (Lord Clarendon) that any thing which tended to promote the supply of free labour to the Colonies would go to the root of the evil—the abolition of slavery, and that would put an end to the Slave-Trade. At the same time neither he nor his noble Friend was for waiting till all slavery should cease before they put a stop to the Slave Trade.

Subject dropped.

INSOLVENT DEBTORS ACT AMENDMENT BILL.] Lord *Brougham* moved that the Report on this Bill be received. It had been agreed on a former occasion that the Debate should be taken on the next stage, but he was absent, and instead of the Report being taken on that night, it was put off till this night, when they ought to have had the third reading. He hoped their Lordships would allow the Bill to pass through both stages that night, as it was important that a measure which went to release so many unhappy persons from prison should pass that Session.

Lord *Cottenham* said, it was immaterial to him which course was taken; but, at the same time, as this was only Thursday, and there was another day this week, he saw no necessity for deviating from the Orders of the House. It would be necessary for him to occupy a little of their Lordships' time, and it should be as little as would enable him to perform a duty which he felt incumbent upon him. before this measure passed another stage. On the 30th of April, in this year, he had laid on their Lordships' Table, a Bill, having for its object the abolition of imprisonment for debt, and containing other provisions necessary to that object. That Bill met with the unanimous approbation of that House, and the warm approval of his noble and learned Friend upon the Woolsack; but notwithstanding that approbation, a Select Committee had since reported that that Bill ought not to be proceeded with. It was natural that the House and the public should expect that some explanation should be given of the present extraordinary state of the subject, and he wished now to put their Lordships in possession of the history of those transactions, and to direct their attention to the state in which the Bill now before them, as amended by the Committee, would leave the law. In 1838, he introduced a Bill, which afterwards became a law, for abolishing Imprisonment for Debt in all cases. Their Lordships adopted that Bill so far as it related to imprisonment on mesne process, but rejected that part which related to final process. That law having taken away the power of arrest, and compensated the creditor for the loss of that power by making various descriptions of property liable to the payment of debt which had not been so before, and improved generally the remedy of the creditor against the property of the debtor. Much had been said against that proposition; many evils were anticipated from it as destructive to credit; but the result occasioned no complaints. Credit, he believed, went on as freely as before or, if checked, it was only in instances in which it ought never to have existed. The Bill which was now stopped in its progress by the Report of the Committee had for its object to carry into effect the recommendations of a Commission appointed in 1839, and which reported in 1840. He had no claim to any of the merits which that Bill might possess beyond his being the organ of bringing the recommendations of the Commissioners before the House, and endeavouring to prevail upon Parliament to pass them into a law. He laid the Bill on the Table in 1841. Nothing was done upon it then. He laid on the Table in 1842, a Report which recommended an alteration of the Bankrupt Law, the abolition of Imprisonment for Debt, and the substitution of various provisions by which a creditor would obtain a better remedy against the property of the debtor: it also recommended the consolidation of the systems of Insolvency and Bankruptcy, and the uniting the Courts, so that one judicial establishment should carry the whole law into effect. A Bill was introduced in 1842 which provided for the adoption of the alterations in the Bankrupt Law itself, and then contained arrangements by which a debtor could be compelled to yield up his property on the application of a creditor or it might be surrendered by the voluntary act of the debtor himself. It also provided that, in certain cases of fraud, the debtor could be punished for it as any other offender; and having thus provided means for the punishment of fraudulent debtors, it proposed altogether to abolish Imprisonment for Debt. It also contained, in addition to that, a provision for uniting the jurisdiction of bankruptcy and insolvency; and provided that bankrupts and insolvents should not, after obtaining the benefit of the law, be liable at a future period for the debts with respect to which they were to receive that protection. A Bill was also brought in by his noble and learned Friend upon the Woolsack, in which he adopted one half of those recommendations, viz., that part which proposed the alterations of the Bankrupt Law which he brought in but he left the rest untouched. It so happened that his Bill, contained those provisions which he had described, and the Bill of the noble and learned Lord on the

Woolsack, containing half of those provisions, were appointed for a second reading on the same day. It is true they were not antagonist Bills; but it so happened that the Bill of his noble and learned Friend on the Woolsack was agreed to, and his was rejected. [The *Lord Chancellor*: It was not your Bill.] He said it was true that it was not his Bill, but it was a matter in which the public had an equal interest; but at all events the Bill of his noble and learned Friend on the Woolsack was adopted, and the other rejected. He (Lord Cottenham) complained that the whole measure had not been adopted and as he looked upon the subject as one of great importance, he was desirous that it should not be left in that state; and he therefore renewed, in the Session of 1843, his previous Bill, leaving out that portion of the former Bill which was adopted by his noble and learned Friend; but when he brought it forward he was told by his noble Friend that it would be inexpedient to press the Bill at that time, because something of the same kind was in the contemplation of the Government. He thought from that intimation that the other portion of the Bill was likely to receive the same support as the former part had received from the Government, and of course he was gratified at the expectation that it would become the law of the land. But the Session passed through its infancy, its manhood, and, in fact, its old age, without anything being done by the Government with respect to the introduction of such a Bill, and it became too late for him to introduce his Bill at the time when it had become apparent that no Bill would be introduced by the Government during the Session. Thus the Session of 1843 passed away; but the Session of 1844 was more eventful, and during that Session he introduced it again, and he laid it upon the Table at an early period of the Session, in order that he might fairly test whether the House was or was not disposed to adopt the recommendation of the Commissioners embodied in that Bill. The subject of the Bill had been a long time before the public; it was the subject of two detailed Reports, and had been inquired into before Committees of this and the other House of Parliament. He laid the Bill on the Table of the House at an early period, and he stated that he would move the second reading on the first opportunity which presented itself after the Easter recess. The first day on which he could have an opportunity of moving the second reading of the Bill was the 16th of April—and now he came to the history of the proceedings relating to the Bill, and he hoped that their Lordships would favour him by attending to the statement which he was about to make.—Before the 16th of April his noble and learned Friend on the Woolsack applied to him to postpone the second reading of the Bill in consequence of the absence of another noble and learned Friend (Lord Brougham), who was not then in this country, and who had taken a lively interest in the question. To that request he readily agreed, and he was extremely gratified by the prospect which he then thought was held out of having the noble and learned Lord's support. His noble and learned Friend returned to this country, but there was another application made to him to postpone the Bill, and to that he also agreed. He acquiesced at first in the request to postpone it from the 16th to the 22nd, and afterwards from the 22nd to the 30th of April. He should now, before proceeding further with the history of these proceedings, draw the attention of their Lordships to a speech made by the noble and learned Lord on the Woolsack—a speech of very great importance, and which was, in his opinion, one of the best speeches he ever heard the noble and learned Lord deliver. He should read to their Lordships a few passages from that speech; he hoped they would be remembered in all time to come, and that when at some future period a collection of the noble and learned Lord's speeches should be published, he was confident that it would be read with the greatest attention. The extract to which he wished to direct their Lordships' attention he should now read:

"He (the Lord Chancellor) did not rise to oppose the Bill of his noble and learned Friend; on the contrary, he begged to say that he fully approved of its object and provisions. His noble and learned Friend was perfectly correct in saying that the subject had been fully approved of by the learned Commissioners to whom he had referred, and that they had reported distinctly in favour of such a measure; and his noble and learned Friend, when he introduced the law for amending the bankrupt law, had provided for such an alteration in the law as this Bill proposed as part of his general measure. Unfortunately, however, his noble and learned Friend had not the opportunity of carrying his intentions in this respect into effect, for while the Bill was on their Lordships' Table his noble and learned Friend ceased to hold the Great Seal. Nothing could be more inconsistent than that there should be two separate and distinct laws in the country with respect to the two different descriptions of insolvency—the bankrupt law and the insolvent law—which were as directly opposed to each other as the principles on which they were respectively administered, especially in that one particular to which his noble and learned Friend had last alluded—the important particular which left an insolvent debtor, after all his property had been taken from him, when he had to commence the world again, liable to the payment of those debts from which he was supposed to be discharged by the insolvent law. It was surely sufficiently hard for a man to have to commence business, and, as it were, life again, without capital or property of any kind after his discharge by the Insolvent Debtors' Court; but if, in addition to this, they imposed upon him the liability to pay all the debts he had previously incurred, it would require more energy than most men were possessed of to bear up against it, and to endeavour, under such circumstances, by industry, to acquire property. He (the Lord Chancellor) had always looked upon this as a most unwise provision in the Insolvent Debtors' Law, and one that ought to be repealed. Another great absurdity was, that the two laws should be administered by two different descriptions of judges—the Bankrupt Commissioners in one case, and the Commissioners for the relief of Insolvent Debtors in the other. It was for these reasons—it being represented that the Bill of his noble and learned Friend was to assimilate those two branches of the law, and that it had also for its object, that the law so assimilated should be administered by one set of judges—that he supported it, and he begged leave to say further that he had himself maturely considered the subject when he brought forward the Bankrupt Law Amendment Bill, which was now the law of the land, and the only reason why he had not imitated the example of his noble and learned Friend by including such a measure as a part of that Bill was, that feeling most anxious for the success of that Bill, he had avoided encumbering it with the provisions necessary for carrying out his noble Friend's object, knowing, too, that the object might be effected by a separate Bill, which might afterwards be introduced."

After he had heard the speech of the noble and learned Lord he felt exceedingly gratified, believing that a measure so strongly recommended by those most competent to form an opinion on the subject, would speedily become the law of the land. He had, however, since learned that the expectations which that speech had raised in his mind were of little value, and that the expectations of another description of persons who were very much interested in the subject, were of equally little value. A great number of unfortunate persons who were in prison at the time, and who had the means of applying to the Insolvent Debtors' Court for relief, on seeing that the organ of the Government in matters of law had expresssed his approbation of the provisions of the Bill, one of those provisions being, that all persons imprisoned for debt should be discharged without those burthens which in many cases prevented persons from taking the benefit of the Insolvent Act—these persons abstained from incurring expense, thinking it better to wait until the passing of the Bill. They had been kept in a state of suspense from the 16th of April to the present time, and now they could not take the benefit of the Insolvent Act until Michaelmas next. There was a degree of hardship, if not of cruelty, in this; and it showed what difficulties arose from the Government announcing their intention in so unqualified a manner, and afterwards, from some reason, entirely altering their course, and depriving these persons of the benefit to which they were looking forward. Circumstances occurred soon after the delivery of that speech which induced him to doubt whether the promise it held forth would be fulfilled. The noble and learned Lord who sat alongside the Woolsack (Lord Brougham) took a part in the debate, but he did not express the unqualified approbation of the Bill, which he had expected to receive from him—perhaps because he intended to propose one of his own. His noble and learned Friend alluded to what might be an extremely important matter, and stated, that under the authority of the Government, or under the sanction of his noble and learned Friend on the Woolsack, and, with the aid of the Foreign Office, which had facilitated the inquiries into what hed taken place in foreign countries, there had been collected by a very learned individual a variety of facts and a system of law which deserved the greatest consideration; and for that reason his noble and learned Friend on the Woolsack suggested that as it was not then forthcoming, some time should elapse between the second reading and the Committee, in order that that information should become accessible to their Lordships. The Committee was postponed until the 14th of May, and again to the 23rd, when some Amendments were made, and the Report was directed to be bronght up on the 3rd of June. It was then postponed until the 6th, and again until the 13th, on the application of either one or the other of his noble and learned Friends, and on one occasion on the application of the noble Lord the President of the Council. These were ominous postponements of a measure which had been so loudly applauded by his noble and learned Friend on the Woolsack. On the 13th June a transaction took place which relieved his mind from the doubts which he had felt. On the Report, the noble and learned Lord on the Woolsack introduced several Clauses upon the Bill, which he should not call his (Lord Cotttham's) Bill again. [Lord *Campbell*: The applauded Bill.] After all these postponements he made up his mind, and introduced his own Amendments on the applauded Bill. On the 18th of June, for the first time, a suggestion was made to him that it was possible the applauded Bill might not pass. That was on the Monday, and on the Thursday the death-blow was given to the applauded Bill. When the noble and learned Lord on the Woolsack, without retracting one single word of the approbation he had before expressed, proposed to refer this Bill, and another Bill which was before their Lordships, to a Committee composed of twenty-one Members, named by himself, seventeen of whom uniformly took their legal opinions from his noble and learned Friend, and only four of whom had not acquired that habit of forming their opinion upon legal matters; but of those four there were three whose other duties were sufficient to prevent them from attending, so that his noble Friend near him (Lord Campbell) and himself, with seventeen who relied altogether on the opinion of his noble and learned Friend on the Woolsack, were to sit in judgment on the applauded Bill and the other Bill. The other Bill was brought in by a noble and learned Friend of his, and of course he had a perfect right to do so. On the 6th of May the Bill was introduced. It was entitled, "A Bill for facilitating Arrangements between Debtors and Creditors." It was read a second time on the 7th of May, and the Committee upon it was appointed for the 14th of May, the same day which had been appointed for the Committee on the applauded Bill. If that Bill were intended as an antagonist to, or a rival of, his Bill, it bad been unsuccessful, for it was soon after abandoned. On the 13th of May, however, another Bill was brought in, it was a Bill relating to Bankruptcy and Insolvency, and certain matters of Accounts. That Bill was founded on the Report of Mr. Serjeant Manning, and if sanctioned, would not only supersede his (Lord Cottenham's) Bill, but would do away with all the measures that had passed on the subject since the days of Elizabeth. He thought it would require a good deal of persuasion to induce Parliament to think it advisable to repeal all our laws as useless, and to establish a new Code, but as it might yet be brought under their Lordships' consideration at a future period, he should not go into it on that occasion. That Bill was also abandoned; so that there were two Bills fired off against his Bill, but neither came in contact with it, and they were both abandoned. On the 21st of May, however, being two days before the day appointed for the Committee on his Bill, another Bill was introduced—namely, "An Act for Amending the Act 5th and 6th Victoria, entitled 'An Act for the Relief of Insolvent Debtors," and was laid on the Table by his noble and learned Friend (Lord Brougham.) He (Lord Cottenham) saw that this latter measure could not be a rival of his however. He should here mention that on the 16th of August, 1842, when the Royal Assent was given to the Bill which embraced half of his original measure, the Royal Assent was also given to a Bill of his noble and learned Friend for doing away with an objection to the Insolvent Debtors Law, namely, that imprisonment was a necessary preliminary condition to obtain the benefit of the Insolvent Debtors' Act. His noble and learned Friend was satisfied that this was a hardship which ought to be remedied, and in 1842 he brought in a Bill, which rendered imprisonment an unnecessary condition to obtain the benefit of that Act, and by which a person, without going to prison, might obtain a protecting order; but that Bill had an imperfection — its object was to divide property amongst the creditors, but it effect was, to take the property out of the hands of the debtor and place it in the Insolvent Court, where it remained without any power on the part of the creditor to take it out—and so the law stood down to the present time—he believed that in practice the defect was of very little consequence, because, although thousands had taken advantage of its provisions, very little, if any, property had come under the cognizance of the Court; because when a man found himsfelf inolvent and unable to pay his debts, he would naturally go on as long as he could, spending whatever money he had at his command, knowing, if he put himself before the Court, it would be all lost. He must have something to enable him to live; the creditors might suspect he was swindling, and threaten proceedings, and then, and not until then, he applied for protection: the moment he obtained which, the creditors were defeated, being unable to pursue either his person or property. But even supposing they had the power of compelling a division of his property, it was not likely, exhausted as such a debtor would be, and after paying the expences of the Court, that it would be worth dividing. Many thousand persons had taken the benefit of that Act whose creditors were consequently baffled. Now, to return to the history of those Bills which had been introduced during this Session. The introduction of so many measures from time to time, and the requests for the postponement of his own measure, might have, perhaps, alarmed him for its success, if he had not had entire confidence in the approbation of the Bill which had been expressed by his noble and learned Friend, not a word had yet been said to him about it being opposed. Could he possibly have thought that his noble and learned Friend would have altered his view after allowing two months to pass without any such intimation? Could he, under such circumstances, entertain any doubt whatever that it would pass without any expression of disapprobation? He had been told on some occasions that his noble and learned Friend on the Woolsack had threatened that the whole weight of the Government should be brought to bear against parts of the Bill; but there must be some misapprehension on the part of those who told him so, for it was impossible that his noble and learned Friend who had, at an earlier period of the Session, applauded it so highly, could so soon resolve on defeating it, and therefore he treated that as an idle report.

The *Lord Chancellor* said his noble and learned Friend had read only a portion of his speech.

Lord *Cottenham* had no objection to read it all, if his noble and learned Friend wished.

Lord *Brougham:* No, it is not necessary.

Lord *Cottenham* thought it would not be deemed necessary by the noble Lord. The fact was, that his noble and learned Friend on the Woolsack had been running counter to his other noble and learned Friend (Lord Brougham). That was a serious difficulty, and must be provided against. There was also another difficulty, in the fact that his noble and learned Friend was running counter to one of his own Colleagues, who, previously to the speech alluded to, had brought into the House of Commons a Bill directly at variance with his (Lord Cottenham's) Bill, which his noble and learned Friend had so applauded, namely, the County Courts Bill. That Bill contained a Clause empowering the imprisonment of persons owing small debts, at the rate of one day for every shilling. The jurisdiction extended to 15*l.*, so that an unfortunate man was liable to be imprisoned for 300 days if he owed that amount! By his noble Friend's Bill the protecting order could be had, but by this other Bill a man might be imprisoned one day for every shilling he owed. It was awkward, undoubtedly; but how much that circumstance had to do with the throwing out of his (Lord Cottenham's) Bill he did not know. He felt anxious to go into all that statement, in order that hereafter it might be seen that his Bill had not been thrown out upon its merits. Well, his own Bill, and that of his noble and learned Friend, were referred to a Select Committee; but that of his noble and learned Friend related to traders whose property or debts was under 300*l.*—all who owed above that sum were still left liable to arrest. Both were referred to the Committee, and some important alterations were made. All the Clauses giving compulsory cession of property to the creditor were struck out, so that a man might still live in luxury in prison and set his creditors at defiance, at least so far as that Bill was concerned. No imprisonment for debt was to be allowed on debts under 20*l.*, and persons in execution for debts would be entitled to their discharge if the Bill became law. He entirely approved of that Clause, because nothing could be more cruel than locking a man up under such circumstances, and leaving his family to starve outside. The third alteration was not of much importance, but it was amusing—it was the transfer of all the Clauses proposed by and introduced into his Bill by the noble and learned Lord on the Woolsack from his Bill into that of his noble and learned Friend near him. His noble and learned Friend's Bill, so far from abolishing imprisonment for debt, provided for the indefinite confinement of debtors. [Lord *Brougham:* In cases of fraud.] No; the case was left to the opinion of a Judge. A man contracting debts without the means of paying them, even though it should amount to the crime of raising money under false pretences, was liable to be imprisoned for life. That, surely, was too severe a punishment, particularly as it was inflicted, not after a trial or conviction, but upon the impression of the individual Judge before whom the case of the insolvent was brought. His noble and learned Friend's Bill contained a Clause giving to Members of Parliament an immunity from arrest; but he hoped that Parliament would never approve of preserving imprisonment for debt simply for the purpose of covering that privilege. If such privileges were to exist, let them be provided for in a distinct and separate Act. But, in fact, if they passed this Bill, they would be adding to the existing incongruity and confusion, and to the other evils which already subsisted, for if it passed into law, there would be three systems of insolvency in operation instead of two. He trusted, however, that his plan would still be adopted by Parliament, and he hoped this, not because the plan was his own, but because he conscientiously regarded it as the most calculated to effect the great object, the principle of which had been sanctioned over and over again by every noble and learned Member of that House, and by no one more warmly than by his noble and learned Friend (Lord Brougham). Provided that principle were adopted by Parliament, he cared very little whose name was at the back of the Bill embodying it; but by whomsoever introduced, such a Bill should have his cordial support; but whether introduced by himself or by another, he should do his best to induce their Lordships to carry out to the full extent the principle which he advocated.

Lord *Brougham* did not at all complain of the length of his noble and learned Friend's speech, though he must confess that the far larger portion of it, both speech and extracts, were so familiarly known to him, from having heard it over and over again, that had his noble and learned Friend's physical powers failed him at any part of it, he thought he could have carried it on for him. The case lay in an extremely narrow compass. He had, indeed, himself often stated the case enlarged upon by his noble and learned Friend. Both the measures advocated the abolition of Imprisonment for Debt; the main difference between them was, that they began at different ends. He wished to throw the onus upon the debtor of showing that he was an innocent debtor, while his noble and learned Friend desired to throw all the onus of the matter upon the unfortunate creditor. There was this difference between his Bill and that of his noble and learned Friend. His (Lord Brougham's) Bill was in conformity with the law as it now existed, while his noble and learned Friend's Bill proposed the introduction of an entirely new principle. His noble and learned Friend (Lord Cottenham) had dwelt on the applause with which his Bill had been received by his noble and learned Friend on the Woolsack; but his noble and learned Friend explained at the time that his adoption of the measure was so far as it assimilated the systems of insolvency and bankruptcy. His noble and learned Friend (Lord Cottenham) said that his Bill abolished Imprisonment for Debt, but that his (Lord Brougham's) did not, except in certain cases and under certain conditions, and that the principle of his Bill was to continue Imprisonment for Debt, while the principle of his (Lord Cottenham's) was to abolish it. Now, how his noble and learned Friend could assert that his Bill abolished Imprisonment for Debt altogether, was to him most unintelligible. Did not his noble and learned Friend's Bill allow persons to be arrested and imprisoned—aye, indefinitely imprisoned—if they refuse to answer all questions put to them, if they do not give up the whole of their property, and explain satisfactorily the circumstances of their insolvency? Oh, but said his noble and learned Friend, that is not Imprisonment for Debt, but imprisonment for contumacy! Contumacy for debt! Was that a crime known to the law? No; the contumacy was because the man was a debtor; it was the contumacy of a debtor to his creditor; and he was to be imprisoned because he did not pay his debts. That was what he (Lord Brougham) called Imprisonment for Debt. If then, a debtor refused to surrender his property, or give a true account of his affairs, they found he would be imprisoned by the Bill of his noble and learned Friend as well as by his, and for the same reason, because he was a fraudulent debtor. He did not complain of his noble and learned Friend's Bill on that ground; for that was the principle for which he himself contended. He said, do not confine people in prison because they are in debt merely; but if they, being in debt, refused to give up their property to their creditors; if they refused to give any explanation of their affairs, and of the disposal of their property; if they had committed fraud, or, last of all, if they had been grossly extravagant, and having, perhaps, an income of not more than 100*l.* a-year, had incurred debts amounting to 10,000*l.* or 20,000*l.*; or, being entirely without property, or any means of paying, had gone into the shop of some poor tradesman, and bought goods or borrowed money of him (which they might as well rob him of at once, and be sent to Botany Bay—for in the moral guilt there was no difference)—then, and in such cases, his (Lord Brougham's) Bill would keep them in prison, not because they were debtors, but because they were fraudulent or *quasi*-fraudulent debtors. His noble and learned Friend had talked of the harshness of creditors, but he should remember that there were cruel debtors as well as harsh creditors, and that the creditor required protection as well as the debtor. But his noble and learned Friend would abolish Imprisonment for Debt in such cases, and leave the creditor to prosecute the debtor if fraud had been committed, leaving him subject to all the chances of flaws in indictments, bills of exception, and writs of error, by which justice might be evaded, and expenses increased, and the poor creditor, who had lost 19*s.* 6*d.* or perhaps 20*s.* in the pound, was to be saddled with this expense in addition, for the purpose of furthering the ends of public justice, and to afford an example to the community. [Lord *Cottenham:* At the expense of the estate.] Suppose the estate did not amount to 1*s.* in the pound? Why, in one of the very few cases of prosecution for fraud, under the Act of 1842, the cost to the creditor had been no less than 250*l.* But this was not the usual class of insolvent cases. The common cases were not those which were characterised by indubitable fraud; but cases in which there was gross and culpable extravagance, and in those cases his noble and learned Friend's Bill gave no remedy as against the debtor, while his (Lord Brougham's) Bill did. His Bill, unlike his noble and learned Friend's, in this respect also, vested in the Commissioners who examined the debtor—who heard his statement and the creditors also, and who investigated the whole case—the discretionary power of imprisoning the debtor, but not in the creditor, as did the Bill of his noble and learned Friend. They objected to Imprisonment for Debt for two reasons—first, because it enabled the grasping and harsh creditor to imprison the innocent debtor, and because it made the creditor the sole judge, without appeal, of the length of the imprisonment. That was Imprisonment for Debt, and that his (Lord Brougham's) Bill abolished altogether; while, on the other hand, it provided for the protection of the creditor, by causing a distribution of the property of the debtor fairly amongst those to whom he was indebted. These were the two principles of the two measures, and he would leave their Lordships to judge whether his (Lord Brougham's) did not abolish Imprisonment for Debt to the full extent it ought to be abolished—leaving it, for the future, as the punishment for crime, and not for misfortune. Then his noble and learned Friend extended the Bankrupt Laws to all and every class of persons—not to traders merely, but to lords, to princes, to private persons, to women and persons under age. Such were the principles of the Bill, the loss of which his noble and learned Friend had so plaintively lamented that night. Then it was retrospective in its operation, not prospective merely. Suppose the case of a Prince of Wales being told, that instead of going to a review in Hyde Park, he must go before Mr. Commissioner Fane at the Bankruptcy Court. They had heard of noblemen owing 200,000*l.*, and a prince of the blood 800,000*l.*, and if the Bill of his noble and learned Friend had been the law at that time, and that 800,000*l.* were not paid within fifteen days, that prince might have been advertised in the *Gazette* as an adjudicated debtor, which was the same as being a bankrupt. This was the nature of the Bill to which his noble and learned Friend asked their Lordships' assent. Surely his noble and learned Friend never could have expected to find ten men in their Lordships' House to agree to such a measure. Well, suppose this Prince of the Blood so advertised; the creditor proceeds to take possession of Carlton House. He clears away all the pictures; and when the Prince asks for some explanation, tells him that he is an adjudicated debtor, "What is that?" asks the Prince, "I am not much of a lawyer, and don't know what you mean." "Oh," would be the reply, "an adjudicated debtor means a bankrupt." "But I am no trader. I was never within the bankrupt laws," rejoins the Prince. "That signifies nothing," the man would reply, "to Lord Cottenham, who has passed the law which makes you a bankrupt, for he extends that law to all persons, princes as well as traders, and Lord Cottenham was Lord Chancellor for four years." "But I did not incur these debts under that law," would be the suggestion. "Oh, no matter; Lord Cottenham has thought it right to make the law retrospective." "That cannot be," the Prince would say, "for I know the Legislature does not pass retrospective laws." "I beg your Royal Highness's pardon," would be the answer; "but though unusual, it is nevertheless true." "Surely I ought to have had notice of this law, for had I known I should be brought within the operation of the Bankrupt Laws, I should not have incurred a debt of 20,000*l.* for Maréchal hair powder, and other still larger for jewellery, plate, and other things. Why did you not give me notice of this before?" "I cannot answer that question, your Royal Highness—perhaps my Lord Cottenham may. This was the gross and grievous injustice, the scandalous and intolerable injustice, that his noble and learned Friend's Bill would inflict; it would, by its *ex post facto* operation, make people liable for their past debts to the Bankrupt Laws, though when they have incurred them there was no such liability. When he brought in the retrospective Clause he (Lord Brougham) saw the objection, and proposed that the law should affect only those debts incurred after January, 1845, for he found that the feelings of society were opposed to such a sweeping change. With regard to the Clause affecting the privilege of Members of Parliament, that stray Clause, upon which his noble and learned Friend had said so much, *ad invidiam.* Would their Lordships believe from whence that Clause had been obtained? If his memory failed him not, the Clause which had been brought forward that night—he would not say to create a clamour, but having a tendency to do so, for there was nothing of which the people were so jealous as the privileges of Parliament—if he was not in error, the Clause was copied from a Bill which his noble and learned Friend had brought in while he was Lord Chancellor, but which Bill passed ultimately without that Clause. By the Bill he (Lord Brougham) proposed, all persons might petition without the expense of advertising (which had been found to be a great evil), and the moment the petition was lodged, that instant a stop was put to all transactions in respect to the property. The debtor could not then part with his property, nor make any conveyance of it, but it was vested in the hands of the court for the benefit of the creditors. Further, it provided that any person, whether in custody or not, might take the benefit of the Act. The creditor would no longer be in a condition to eke out the imprisonment of the debtor, but the whole matter would be left with the Judge, who would inquire into the whole facts of the case, and deal with it accordingly. Last of all came that which was the great mercy and improvement in the law, that brought in by his noble and learned Friend on the Woolsack—viz., the abolition altogether of Imprisonment for Debt in all cases where the debt did not exceed 20*l.* If their Lordships knew, as he did, the dreadful state of the small debt prisons—and there were no less than 280 Small Debt Courts in this country, most of which posssesed the power of imprisonment, some for longer and others for shorter terms—if they had seen the truly horrible accounts which he had seen of cases in which eighteen or twenty unhappy persons were confined in a dismal apartment ten feet square, compelled to lie on filthy straw, without any change of clothes, living upon bread and water, the food for felons—and all this for no crime, but simply because they were unfortunate—if their Lordships had seen these things—if they had heard of them, they would know the great benefit they would confer upon the poorer classes, who were the sufferers under this system, and to the law, by at once abolishing it. That would be done by this Bill. The Bill, he contended, remedied the plain and obvious defects of the present law, and would effect a most righteous and merciful change in that law; and he trusted when the Bill should go down to another place, that no haste, no plea of the advanced period of the Session, and the want of time to consider its details, or any such argument as measures were often met with, that there were parts of it which some Members approved of, and parts which were disapproved of, some saying it did not go far enough, and others that it went too far—he trusted that no argument of this kind would prevent the completion of that great and righteous act of justice which this Bill proposed to effect in this respect. What he maintained was, that this Bill, together with the law of 1842, would in substance abolish Imprisonment for Debt; for it would now lie with the debtor himself whether he should be kept in prison or not. He had heard much of the great expense which debtors were subjected to by those attorneys who practised in the Insolvent Courts. He had been informed that the cost to the poor debtor of getting out of prison under the Act was frequently 20*l.*; but now the expense of the advertisements, which amounted to 5*l.*, was taken off; he would say that any man who should demand 15*l.* for getting an insolvent debtor out of prison, would deserve to take his place in the gaol, for it was quite impossible that he could be entitled to any such sum. He would take that opportunity of warning these persons that they would have a steady and watchful eye kept on them for the next six months; and if any debtor who should be charged any such sum would write to him (Lord Brougham), informing him of the particulars of the charge and the name of the attorney, that attorney might depend upon it that he would hear further from some Committee of their Lordships' House in the course of the next Session of Parliament. It was not the first time the benevolent intentions of the Legislature had been thwarted by the malpractices in the law, but he could assure them that he would do his best to prevent it in that instance.

Lord *Cottenham* explained: With regard to the Clause to which his noble and learned Friend had referred, he (Lord Cottenham) remembered introducing such a Clause into the Bill he had brought in, but as he afterwards considered that it would facilitate the passing of the Bill if it did not remain in it, he was glad when his noble and learned Friend objected to the Clause, and proposed that it should be withdrawn.

The *Lord Chancellor* then put the question that the Report be received.

Lord *Campbell* was much surprised that his noble and learned Friend on the Woolsack, as Speaker of that House, had put the question to their Lordships, whether the Report should be received; without as Lord Chancellor and the representative of the Government in that House in respect to its legal department, and as an individual charged in very courteous but at the same time in very emphatic terms, with gross inconsistency as to the manner in which he had conducted himself in respect to this Bill, having taken some notice of the charge. Two speeches had been addressed to their Lordships, both by noble and learned Lords on that (the Opposition) side of the House, and his noble and learned Friend was content to rest his case on the speech of the other noble and learned Lord who had last addressed their Lordships; and though he was himself the organ of the Government, and the Counsel, as it were, of the noble and learned Lord on the Woolsack, yet his noble and learned Friend still remained as a Member of the Liberal party, and continued to sit on that side of the House, amongst those who were opposed to the Government. The noble and learned Lord (Lord Brougham) seemed indignant at being supposed to be one of those seventeen Members of the Committee who his other noble and learned Friend (Lord Cottenham) had supposed to be too much disposed to side with the Government. His noble and learned Friend on the Woolsack was entirely silent—although his noble and learned Friend (Lord Brougham) had not said one single word in support of his noble and learned Friend's (the Lord Chancellor's) consistency. The cause he thought must be looked upon as desperate; his noble and learned Friend felt that the topic was one he could not adorn, and therefore he had perhaps wisely passed it over. Now what was the charge which had been brought against his noble and learned Friend on the Woolsack—a charge which had as yet received no answer or explanation whatever? Certain Commissioners had been appointed to examine the subject of Bankruptcy and Insolvency—Commissioners, amongst whom were members of the legal profession, and members of the mercantile profession—men of the highest eminence in both. That Commission made a Report, in which they recommended that the distinction between Bankruptcy and Insolvency should be done away with—and they stated further, that Imprisonment for Debt on execution should be abolished, just as much as it was abolished on mesne process, and that unless fraud could be proved, there should be no power to deprive the debtor of his liberty. That Report having been made, a Bill was brought in to carry the recommendations of the Committee into effect. The noble and learned Lord on the Woolsack stated on that occasion that he fully approved of the Report, and also of the Bill which had been founded upon it: but he thought at the same time that it would be more discreet to proceed gradually, and to confine the measure in the first instance to the subject of Bankruptcy. His (Lord Campbell's) noble and learned Friend who sat near him, being last Session more zealous and indefatigable, brought in a Bill to carry into complete effect the recommendations of the Commissioners, and that Bill was the one which had been complimented and applauded by the noble and learned Lord (the Lord Chancellor). The noble Lord had had the whole of last Session to consider the Bill, and was no doubt master of all its details. He made no objection, but the Session went over and the Bill could not be passed. That same Bill had been laid on the Table during the first week of the present Session. On the second reading of the Bill, the noble and learned Lord on the Woolsack expressed his entire approval of the Report, and admitted that the Bill was founded on that Report. The Bills were referred to a Select Committee, chosen by his noble and learned Friend on the Woolsack, and he looked upon the Report of that Committee as the Report of his noble and learned Friend. All the good enactments of the Bill which his noble and learned Friend now recommended to the House were taken from the Bill brought in by his noble and learned Friend near him (Lord Cottenham) in 1842. He was convinced that Imprisonment for Debt, except in cases of fraud, was as prejudicial on execution as in mesne process. With reference to the Bill now before the House, however, he (Lord Campbell) should, as its effect was to abolish Imprisonment for Debt, give it his support (as we understood), and he trusted that his noble and learned Friend who it was well known had made some of his best speeches upon both sides of a question would repeat, if it were necessary, the admirable speech in 1845 which he made in 1844, and that he would not be induced, for the sake of pleasing any person or of conciliating any party, to swerve from those principles in which he had just expressed his concurrence.

The *Lord Chancellor* said, that he would not occupy many minutes of their Lordships' time on the present occasion. The noble and learned Lord who spoke last had reproached him for rising to put the question without addressing their Lordships in answer to what fell from his hon. and learned Friend. He had done so because he was desirous of hearing what the noble and learned Lord had to say in support of his noble and learned Friend; but he might have saved himself the trouble, for the noble and learned Lord had done little else than repeat *longo intervallo* the arguments of his noble and learned Friend. The noble and learned Lord seemed to feel sore because they had not adopted the whole of his measure. They had, however, adopted the principle of his measure, and had engrafted it upon the other measure now before them. The two Bills were submitted to the consideration of the Committee in order that they might determine what course it was best to pursue. And he had never departed from the principle which he adopted on the second reading of the Bill of the noble and learned Lord. The principle of that Bill was to introduce into the law of England from the law of Scotland the principle of *cessio bonorum.* To that principle he still adhered. The principle of that Bill was also to abolish imprisonment for debt. He had never departed from that principle, and he still adhered to it, so far as it was wise and prudent to act upon it. Another principle of that Bill was, that they should adopt the administration of the bankrupt law as applicable to the law of *cessio bonorum.* He agreed in that principle also, and therefore he adhered to the principles which he laid down on the second reading. But was it to be understood, that if he consented to the principle of a Bill on the second reading, that he was to be precluded in Committee, and on inquiry, from making alterations in the character and nature of its provisions? If so, it was the first time he had ever heard such a doctrine laid down, either in this or in the other House of Parliament. There was, however, a principle connected with that Bill which he was determined to oppose, as he considered it a novelty in this country. On the Motion for going into Committee, he stated that they were introducing a novelty into the law of this country, in subjecting every Member of the Royal Family, however high their rank, and every Peer of the realm, to the law of bankruptcy. Every Member of the Committee must be aware that he had stated that he would oppose the Bill on that ground, and on that ground alone, and that he would never consent to its being proceeded with unless an alteration was made to obviate the objection to which he had alluded. He could not consent to subject the members of the Royal Family to the law of bankruptcy, and nothing would ever induce him to make that concession. His noble and learned Friend took no steps to obviate that objection, and had, therefore, no right to complain of the course which had been pursued. He still, therefore, adhered to the principles which he had stated on the second reading of the Bill of the noble Lord (Lord Cottenham), and he would oppose it on the grounds stated. With respect to the selection of the Committee, he begged to observe that he had nothing to do with it; nor, indeed, until he saw them in the room, did he know who the noble Lords who were to be on that Committee, were, except that he knew that, according to usage, all the law Lords would be of the number. With regard to the other Bill, he thought that the state of the law on the passing of that Bill would be that which every prudent man would applaud and support. Every relief would be given to the honest debtor, and they would not be called upon to extend that relief to those who did not come under that character. The man who was willing to surrender his property would not be put in prison, and any one who might be in prison would, if he surrendered his property, be immediately released from confinement. These were prudent and satisfactory provisions, and he thought nobody desired more. The hon. and learned Lord asked why they had not abolished arrest altogether? For this reason, that the party, knowing he might be arrested and thrown into prison, might be more expeditious and active in doing that which justice demanded than if he knew he was not liable to be imprisoned. For that reason the power of imprisonment had been retained; and that effect it would, no doubt, inevitably have. The party apprehensive of being imprisoned, as well as the party imprisoned, had only to file a petition in order to be released. True, the imprisoning creditor could not take the property of the debtor, for that would be divided among the creditors at large, according to the principle of the Bill. With regard to the details of the Bill, he would not follow his noble and learned Friend through all the observations which he had made; but he would merely observe that he thought the provisions of the Bill were well adapted to carry out the object which it had in view. His noble and learned Friend objected to the two jurisdictions of the Insolvency and Bankruptcy Courts remaining, and asked why he did not propose to abolish the former altogether. To this he answered, that a great deal of the business of the Insolvency Court had gone before the Commissioners of Bankruptcy, and that he thought it would be better to let the change work gradually, and see how it operated, before the Court was totally done away with. His noble and learned Friend in his Bill proposed to abolish imprisonment for debt altogether, without any power of remanding in vexatious cases, and cases where persons had contracted debts without any probability of being able to pay them. The Insolvent Debtors Court at present had this power of demand within a limited period, and he (the Lord Chancellor) thought that it would be very dangerous and unwise to abolish such a power altogether. As to the indictment for fraud, which his noble and learned Friend proposed as the only remedy against the dishonest debtor, he must say that he thought it a most inadequate one. His noble and learned Friend had alluded to some supposed disagreement which had existed between him (the Lord Chancellor) and the Secretary of State, in respect to the power of imprisonment vested in the Small Debt Courts. He certainly was not aware of the provisions in the Bill referred to at the time his noble and learned Friend directed his attention to the subject, but upon inquiry he found that there was such a Clause, which allowed imprisonment of not more than one day for a shilling. But he recollected that his noble and learned Friend himself introduced a Bill some years ago, which gave the power of imprisonment without any limit whatever. [Lord *Cottenham*: What Bill was that?] The County Courts Bill. For his own part, he had always objected to the practice of imprisoning persons for small debts, and for this reason, that they were generally labouring men; and that to deprive them of their liberty and time, was to deprive them of the means of paying their debts and supporting their families. To imprison a poor man for a debt he owed, was to deprive him of the means of paying what he owed. It was as unwise as it was unjust. It also appeared to him extraordinary in this respect, that it was not a means for compelling payment, for after a certain term of imprisonment the debt was discharged, and the prisoner was set free—the imprisonment paid the debt. The practice was almost as barbarous, and it was more unreasonable, as that which prevailed in the old times, when the creditor sold the body of his debtor as a slave—there the cruel creditor at least got value; but here there was the cruelty inflicted, and without any advantageous results. In the County Courts there was not the power of imprisonment. There was one argument dwelt upon, with respect to this subject. It was, if they took away the power of imprisonment they would take away the means for a poor man obtaining credit, if he chanced to be turned out of his employment or any accident deprived him of the means for the time of earning money. The question now to be asked was this—was there any foundation for such an assertion. Witnesses had been examined before the Committee, which brought this to a close test. In the Tower Hamlets the power of imprisonment for debt was put an end to since 1832, by mere accident. The prisoners for debt from that district used to be sent to the Middlesex prison. The magistrates, however, determined not to allow that any longer, and in consequence imprisonment for debt had practically ceased in that district. How then did that operate? It reduced the number of summonses by one half—they had been reduced from 25,000 to 13,000. But what was the effect on credit? Mr. Otter, who had been a Commissioner for many years, had told them that it did not diminish credit in any material degree. That there was still more credit given than was good for the poor—that there was no industrious poor man thrown out of employment, who could not obtain as much credit as he pleased. There was another case; and if possible it was still more striking. Mr. Dampier, a son of the late Judge, was Judge of a small debt court in Cornwall, for which he drew up a Bill for the regulation of that court; and, in doing so, he never thought of introducing his power to issue a *capias*, and yet he said that no man was prevented by it from obtaining credit—he declared that he considered that the abolition of imprisonment for debt would be a wise, salutary, and expedient measure. He (the Lord Chancellor) had himself, therefore, come to the conclusion, that the only objection that could have been urged had been removed, and that this power ought to be taken from all Small Debt Courts. He did, then, sincerely hope that their Lordships would approve of this part of the Bill. He could assure their Lordships that no words could convey the horrors of those prisons in which persons were confined for small debts. Mr. Perry gave a description of the prison of Kidderminster, and it would show that some means must be devised for removing those horrid and atrocious abuses. The prison at Kidderminster was a room on the ground-floor, measuring 12 feet by 12, entirely destitute of bed, bedding, or seat, or any description of furniture; without a stove, or the means of having a fire in cold weather. There was a large heap of straw, on which the prisoners slept in their clothes. The yard attached to the prison measured 13 feet by 12, and the water lay on it to such a degree as often to confine the prisoners to their solitary room. The walls of the yard, too, were very high. The prisoners were very dirty. They did not take off their clothes, and only two small jugs of water, for drinking and washing, were brought for the day. There was no gaoler. The prisoners were only visited by the deputy-gaoler, who brought them bread and water each day. In case of sudden illness, there was no means of procuring assistance, unless the neighbours summoned the deputy-beadle, who lived in a distant part of the town. Then, as to the room for the female debtors, there were no means for their taking exercise. These, then, were the additional reasons afforded to him for making the proposed alterations in the law, and of supporting the Bill introduced by his noble and learned Friend. He had now stated as shortly as he could his reasons for supporting this measure, and he was particularly induced to do so from the observations made by the noble and learned Lord.

Lord *Cottenham* observed, that an objection was made to his Bill upon the question of privilege. He put to the test the accuracy of his noble Friend, for a Clause such as was objected to in his Bill was also to be found in the present.

The *Lord Chancellor* said, it was most true that by some accident such had happened. He had stated in precise terms to his noble and learned Friend his objection. His noble and learned Friend said that his course was right, and insisted on it. His noble and learned Friend did not like the means of obviating the objection.

Lord *Cottenham* said, that he knew that his course was right, but he did not insist upon it.

After a few words from Lord Brougham the Report was received.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 25, 1844.

Minutes.] Bills. *Public.*—1°· Customs (New South Wales); Clerks to Attornies; Consolidated Fund (6,969,856*l.* 10*s.* 3*d.*).

2°· Marriages (Ireland); Books and Engravings.

Reported.—Turnpike Trusts (South Wales); Transfer of Licenses (Post Horses, Ireland); Grand Jury Presentments (Dublin).

3°· and passed:—Joint Stock Companies Registration and Regulation; Railways; Duchy of Cornwall Assessionable Manors; Duchy of Cornwall Lands; Lecturers and Parish Clerks; Ecclesiastical Jurisdictions; Three-and-a-Half per Cents. Dissentients.

Private.—2°· Werrington, etc. Curacies; Bowyer's Estate.

Reported.—Willenhall Chapel Estate; Hitchins' (or Peach's) Estate; Cheape's Divorce.

3°· and passed:—Archbutt's Divorce.

Petitions Presented. By Mr. Darby, from Uckfield, against Repeal of Corn Laws.—By Sir J. R. Reid, from Trelawney, Jamaica, against Reduction in the Differential Duties.—By Sir Thomas Esmonde, from Wexford County (2), against Charitable Bequests Bill.—By Visct. Sandon, from Liverpool, for Alteration of County Courts Bill.

Poor Law.] The House resumed the further consideration of the Report on the Poor Law Amendment Bill.

Sir *C. Napier* proposed the following Clauses:—

"And be it enacted that it shall be lawful for the Guardians of the Poor to give a higher rate of out-door relief than that now given, at their discretion, to aged people above sixty years of age, who have paid their poor-rates."

"And be it enacted that in the event of a married couple or a single man or woman possessing a cottage under the value of 5*l.* annual value, and having paid their poor-rates, and being no longer able to work, they be eligible for out-door relief at the discretion of the Guardians."

The hon. and Gallant Officer said, that in submitting these Clauses he was anxious to encourage industry and thrifty habits amongst the poor, for the consciousness that they would hereafter be paid an increased amount of an allowance for having paid their poor-rates for a certain time would stimulate them to those exertions which, if they did not keep them from the necessity of seeking parochial relief, would, at least, better their condition when they became chargeable to the parish. Surely, it would be worse than cruelty to turn away the destitute owners of a cottage and say to them, "You must first go and sell your cottage, and when you have parted with it we will relieve you." To prevent any such power being vested in the Board of Guardians was the object of the second Clause, but he had no objection to its being modelled in any manner which the right hon. Baronet the Home Secretary might think proper. All he cared for was the admission of its principle. He should like to see the very name of "workhouse" abolished, and this, he thought, would greatly tend to that result.

First of the two Clauses brought up and read a first time.

On the question that it be read a second time,

Sir *J. Graham* was disposed to pay the greatest attention to every suggestion of the hon. and gallant Officer, to whom it was in the highest degree creditable to be thus engaged in endeavouring to promote the welfare of his country in time of peace when the exercise of the bravery and skill which had so distinguished him in time of war was no longer required. The hon. and gallant Officer must excuse him for expressing his belief that the object he had in view would not be gained by the adoption of the Clauses which he proposed. With respect to the first Clause, he must say that it would be superfluous legislation, as the Guardians already possessed the discretionary power referred to in the first part of it. They were already empowered to relieve such parties as the Clause referred to to the extent which the peculiar circumstances might call for; and that power being already the law of the land, it was not necessary to enact it. With regard to that portion of the first Clause which empowered Guardians to give a somewhat higher allowance to those paupers who had at one time regularly paid the poor-rate, he must say that the recognition of such a principle would lead to results which he was sure the hon. and gallant Officer did not intend, for a sort of premium of this kind for the payment of the poor-rates would involve a penalty on those who had not paid them. The recognition of the principle would of course lead to inquiries as to the regularity of payment of rates, and that would tend to a career of injustice, the consequence of which would fall on those whom it was the object of the Bill to relieve. In framing the second part of the first Clause, the hon. and gallant Officer seemed to forget that many parties who paid their poor-rates were almost as closely on the verge of poverty as they who received parochial relief, and the distinction between the amount of relief to be given to each would be unfair, as being founded on a very erroneous test in very many cases. On these grounds he must oppose the first Clause. With respect to the second Clause (continued the right hon. Baronet), I have on more than one occasion in this Session adverted to the principle on which it is founded. That principle is, that the Guardians have power to say to destitute applicants for parochial relief, "You have a small cottage and a few chairs and a table, and a few other articles of furniture,—go and dispose of them in the first instance before we can assist you" — that is not the law. [Sir *C. Napier*: I am glad to hear it.] The law is—that the destitution of the applicant for relief is the test to be applied in each case, and where that is proved the Guardians are bound to give relief without reference to the fact that the applicant is possessed of a small cottage or not. Even this test of destitution may be applied to able-bodied paupers, and relief be given to them, each case being decided with reference to its own peculiar circumstances. But I repeat it, that relief cannot be refused by the Guardians on the ground that the party seeking it is the owner of a small cottage if in any other respect he be destitute.

Mr. *Spooner* expressed his readiness to divide in favour of the hon. and gallant Officer's second Clause. He had himself been an eye-witness to cases in which the test of the possession of a cottage had been made a ground for refusing relief. This was not done in any underhand or evasive manner. It was the bold assertion of a principle, believed to be recognized by the Legislature, and carried out by the Board of Guardians. The applicants were plainly and simply informed, "We have no power to relieve you—you are the owner of a cottage and some furniture; first sell your cottage and spend the money in your support, and then, if you should continue in want, we will relieve you, but the law will not allow us to relieve you while you possess this property;" and there was no doubt that the construction thus put upon the Act was an honest one, though now, after the statement of the right hon. Baronet should have gone forth to the country, the Act would be differently interpreted. Pains ought to be taken by the Government to inform the Boards of Guardians, and other parties having to do with the relief of the poor, what was the real state of the law on the subject of relief, for most assuredly vast numbers had put on that part of the law, the construction now for the first time repudiated by the right hon. Baronet.

Lord *Ashley* said, that the Poor Law never had been, and probably never would be administered in the humane spirit with which the right hon. Baronet had referred to it. He (Lord Ashley) had come down to the House that morning to vote for the Clauses of his hon. and gallant Friend, but, after the statement of the right hon. Baronet, from which it appeared that what his hon. and gallant Friend proposed was already the law of the land, he would recommend him not to press his Resolutions to a division.

Sir *C. Napier* said, that if the interpretation put upon the law by the right hon. Baronet the Home Secretary was correct —and there could, he presumed, be no doubt on the subject—the whole principle on which the law had hitherto been administered was changed. So that, in effect, it would be equivalent to a change in the law itself. Under these circumstances he would withdraw his first Clause, but would divide on the second.

Mr. *B. Denison* hoped that the hon. and gallant Officer would not press his second Clause, which, if inserted in the Bill would lead to bad consequences. A man might claim relief, and say he had a cottage for which he paid less than 5*l*. a-year, and yet that cottage might perhaps be worth 150*l*.

Mr. *Newdegate* begged to tender his thanks to the right hon. Baronet the Home Secretary for his explanation as to the interpretation of the Clause authorizing immediate relief to the destitute. The misinformation which existed as to the correct state of the law pressed very heavily in its consequences on large classes of the poor, and on none of them with greater severity than on the handloom weavers; for such was the general impression as to the conditions on which alone parochial relief could be obtained, that many of them parted with their little stock of furniture, their beds, and finally their looms, in order to qualify themselves for obtaining that relief. That misconstruction of the Act was now, he was glad to find, at an end, by the explanation of the right hon. Baronet, and he hoped that statement would go forth to the country. It could not obtain too great a publicity.

Sir *J. Graham* hoped he might not be misunderstood as to the point of relief in cases of destitution. When he said that the Boards of Guardians would not be justified in withholding relief from the destitute applicants on the ground that they were in possession of a cottage, he was not of course to be understood to mean that if a party came permanently on the parish for relief, and remained in possession of a cottage from which he derived 5*l.* a year, the Guardians would not have a right to inquire under what circumstances he held it, and whether its produce might not be made available for his relief. But that was a totally different case from that of an applicant for relief in sudden destitution. In such case, whether the destitution was brought on by illness, or inability to work, or by having to attend and support a family in illness, the Guardians were bound to administer immediate relief, according to the exigency of the case. It would not be in that case any fair answer on the part of the Guardians to say, that the applicant was the owner of a cottage, with some furniture, and must first dispose of those. In cases of sudden destitution the law said, that relief must be given, and if death should ensue from the want of such relief after it was demanded, there was no doubt whatever that the relieving officer, or other party whose duty it was to have given relief, would be rendered criminally responsible.

Mr. *Wodehouse* said, that if his hon. and gallant Friend divided on his second Clause, he would most certainly vote with him, if it were only to put an end to all doubt on the subject; but of this he thought there could be no fear after the explanation of his right hon. Friend the Home Secretary. He could state many instances of the general misapprehension of the law on the point. He had been applying to the Poor Law Commissioners at Somerset-house for three years on the part of the handloom weavers, but without effect. He begged to thank the right hon. Baronet the Home Secretary for the explanation he had given, and for the spirit in which he was disposed to have the Poor Law administered. He would recommend the right hon. Baronet to ride the Poor Law Commissioners with a curb, and not with a snaffle.

Motion and Clause, by leave, withdrawn.

The House divided on the question that the other Clause be read a second time:— Ayes 28; Noes 42: Majority 14.

List of the AYES.

Aldam, W.
Arundel and Surrey, Earl of
Ashley, Lord
Baskerville, T. B. M.
Borthwick, P.
Brotherton, J.
Bruges, W. H. L.
Colebrooke, Sir T. E.
Collett, J.
Dodd, G.
Douglas, J. D. S.
Duncombe, T.
Entwisle, W.
Gore, M.
Hall, Sir B.
Hervey, Lord A.
Hinde, J. H.
Kemble, H.
McGeachy, F. A.
Masterman, J.
Newdegate, C. N.
O'Brien, A. S.
Pechell, Capt.
Pollington, Visct.
Round, J.
Sibthorp, Col.
Spooner, R.
Williams, W.
Wodehouse, E.

TELLERS.
Napier, Sir C.
Yorke, H. R.

List of the NOES.

Allix, J. P.
Boldero, H. G.
Bruce, Lord E.
Byng, rt. hon. G. S.
Childers, J. W.
Clive, hon. R. H.
Corry, rt. hon. H.
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Escott, B.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Fuller, A. E.
Gordon, hon. Capt.
Goulburn, rt. hon H.
Greene, T.
Hawes, B.
Henley, J. W.
Hodgson, R.
Howard, P. H.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Lennox, Lord A.
Liddell, hon. H. T.
Mackinnon, W. A.
Marsham, Visct.
Meynell, Capt.
Mundy, E. M.
Nicholl, rt. hon. J.
Norreys, Lord
Peel, J.
Pringle, A.
Somerset, Lord G.
Sutton, hon. H. M.
Thornhill, G.
Trotter, J.
Tyrell, Sir J. T.
Wawn, J. T.
Wortley, H. J. S.

TELLERS.
Young, J.
Baring, H.

Colonel *Sibthorp* addresed the House in support of a Clause which went to abolish the Poor Law Commission, giving to the several Boards of Guardians constituted and appointed for the management of each separate union or union workhouse the full power, management, and control, without any interference, power, or control of the aforesaid Board of Commissioners. At first there were three Commissioners. These were afterwards raised to four. At first there were nine Assistant Poor Law Commissioners, and the Act said there should be "nine and no more." But by some *hocus pocus* trick they were raised to twenty-one, and now they were to be reduced back again to their former number. If nine were found sufficient, why raise it to twenty-one? It was, he supposed, to let the law be administered by the Assistant Commissioners rather than the local Magistrates. The whole system was based on the principle of centralization, which had the effect of setting man against man, and of making it necessary to protect the poor man in some instances against his natural protector. A very considerable expense, amounting to about half a million, had been incurred by Commissioners and Assistant Commissioners; and he contended that the people were not at all improved in their condition by the working of the whole plan. In his opinion, the best thing that could be done would be to put an end to the whole system. Dismiss the Commissioners, and Assistant Commissioners, and go back to the ancient jurisdiction of the Magistrates.

The first Resolution brought up and read a first time.

On the question that it be read a second time.

Sir *J. Graham* said, that the principle of the hon. and gallant Member's Clauses had been already under discussion in that House, which had declined to adopt it. The hon. and gallant Member had complained of the increase of expense attendant on the appointment of Commissioners and Assistant-Commissioners. He (Sir J. Graham) was not disposed to try the efficiency of any plan by its cost; but if he were to try the New Poor Law system by that test, it would be found that by an expense of about 50,000*l.* a saving had been made of about 2,000,000*l.* annually. His hon. and gallant Friend had complained of the great power of the Commissioners, but it was on that power that the whole system was based. If that were taken away the whole superstructure would be destroyed. Great as the power was at first, it had since been considerably enlarged in the control which they now, by recent enactments exercised over the appointment and removal of paid officers, and in other respects. One thing he would admit. It was this, — that the Commissioners had written too much, and in a harshness of spirit which was to be regretted. He had said this when out of office, and he now repeated it in office. He had used his influence to correct that harshness, and not without success; and now he was engaged in carrying out the system cordially and with a disposition to soften down any little asperities which might have arisen in its early working. He would not deny that some of the first acts of the Commissioners were arbitrary, but they perhaps arose much more from the nature of the duties imposed by law on the Commissioners than from the feelings of those engaged in carrying it out. The very novelty of the system was calculated to lead to errors which experience had since tended to correct, better than any individual influence could have done. In the discharge of their important functions, it would of course be necessary that those whose duty it was to carry out the New Poor Law should have the confidence of that House; but even that, important as it was, would not avail if the proceedings of the Commissioners were not brought under the inspection of the public. That desirable aid to the system was now fully complete, and it was seen that the Commissioners and all parties connected with them in office were constantly and unremittingly engaged in attention to the wants of the destitute poor. The duties were discharged not only with alacrity but with an honest zeal in their performance which merited praise. Under such circumstances he must say nothing could be more injurious to that department of the public service than suddenly and at such a period of the Session to strike a blow at the root of the system, which was what the hon. and gallant Member called on the House to do, and what he felt called upon to resist.

Mr. *Bernal* hoped that his hon. and gallant Friend the Member for Lincoln would not press his Clauses. He fully agreed with him that in the commencement of the New Poor Law there had been many errors, and blame was to be attributed somewhere. One cause of some of the errors was, perhaps, the very didactic manner in which some of the Commissioners laid down the law on some points. Owing to this, some of their decisions as to the law were not well understood, and the consequence was, that up to this time there were strange discrepancies as to the meaning of some clauses and sections of the Law. However, many of them would be removed by the effect of this

Bill. He had heard with satisfaction the explanation of his right hon. Friend the Home Secretary on one important point, the administering of out-door relief to the destitute poor. The explanation of his right hon. Friend would set all doubt on that point at rest for the future. He admitted, that great ignorance prevailed on many other parts of the law, and what he would venture to suggest to his right hon. Friend opposite, would be, that with the aid of the law officers of the Crown there should be prepared a plain and clear statement as to the meaning of the most important clauses of the Bill. When the law became thus better understood, it would be much more easily administered.

Mr. *Spooner* would support the Amendment of his hon. and gallant Friend, the Member for Lincoln. The right hon. Baronet had stated, that the Poor Law Commissioners had the confidence of Parliament. He (Mr. Spooner) asked if they had the confidence of the people, undoubtedly not; and never would have while the law remained as it was, and while the administration of that law was left so completely to their discretion. The fact was, that too much power was given to the Commissioners; they had the power of making, altering, or repealing Acts of Parliament at their pleasure. Such power vested in three or four individuals was unconstitutional, and became more objectionable from the manner in which it was administered. He had the authority of the greatest statesman whom this country had produced—he meant that of William Pitt—for saying, that all the difficulties we experienced in administering relief to the poor arose from our departure from the pure spirit of the Act of Elizabeth. He would not stand there to palliate the many deviations which we had made from that Act, but he would, in the name of the poor of the country, conjure the House to come back again to the spirit of that law, by which every man who could work had work provided for him; but who, if unable to work, had his wants immediately attended to. How great was the contrast with our present system! Admission to our detested workhouses was the only way in which the honest pauper, willing and able to work—could obtain relief. His only crime being that he could find no one willing and able to employ him; he, to obtain relief, was obliged to sacrifice the company of his wife and children—must resign his cottage and leave his family to the care of strangers. What was it which could induce any man to make this sacrifice—what but the alternative of that, starvation, the latter of which many unhappy men had preferred? Allusion had been made to the ignorance of those who administered relief to the poor, of the law which they administered; but that was to be attributed to the fact that the instruction which they received ran before the law. It was Commissioners law, not the law of the land. He hoped that the hint which had been dropped by an hon. Member, as to drawing up a statement of what really was the state of the law, would be taken up by the right hon. Baronet, the Secretary for the Home Department, as nothing was more really wanted than a clear statement of what the law really was upon some of its most important points. If the ignorance which existed upon the subject was ignorance of statutory enactments it would be inexcusable; but when it was found to exist only upon resolutions and orders issued by the Poor Law Commissioners, the matter was very different. If the feeling which he entertained as to that Board was a strong one hitherto, it had become much more so since he had heard the declaration of the right hon. Baronet (Sir J. Graham), who had stated that the Poor Law Commissioners had the power of interfering with Local Acts. Such a circumstance made him still more strenuous in his desire to see the Commission abolished. The local administration of the Poor Law in Birmingham had now subsisted for a long time, carried on by a large body of Guardians elected under a local Act, who had always evinced an earnest desire to administer effective relief to the poor with an anxious attention to the interest of the smallest ratepayer. To do this in the midst of a dense population, liable to be suddenly thrown out of work by unavoidable fluctuations in trade, with a very narrow line of separation between the last payer, and the first receivers, requires sound discretion, grounded upon local knowledge; a knowledge none but local Guardians can possess, a discretion which none but they who possess that knowledge are competent to exercise. If the Commissioners interfered, upon that now declared power, with the Local Acts, he felt bound to warn them of the consequences, as they would inevitably paralyse the zeal of the Guardians, and destroy the confidence of the poor. Having stated his opinion upon the general principle of the law, he begged to announce his intention of supporting the Motion of the gallant Member for Lincoln.

Mr. *Hawes* had expected the very best results from the operation of the New Poor Law Act, but those expectations had not been altogether realised. The right hon. Baronet (Sir J. Graham) had stated, that great mitigations had taken place, but it appeared that the real mitigations were not those which had taken place in the enactments of the law, but in the temper with which it was administered. The Poor Law Commissioners in interpreting the law in 1839 did so just in the same way as did the Secretary of State for the Home Department in 1844. The real question was, whether or not the care of the poor was an object of national concernment, and if so, whether or not it were to be intrusted to irresponsible bodies scattered over the country, or to one Board subjected to the control of the Secretary of State for the Home Department, and responsible for the proper discharge of its duties. The law could not be unconstitutional, as it was the law of Parliament. The rules which had been framed under it were all published, and were therefore open to inspection and scrutiny if such be sought. The administration of the law was most popular, if even it was granted that the law itself was harsh and unconstitutional. There might have been a little less writing, a little less attention to details; but the law itself and its administration were, he thought, very well adapted to their purpose. He would oppose the Motion of the hon. and gallant Member for Lincoln.

Mr. *S. Wortley* saw very clearly indeed the difficulties which must result from acceding to the Motion of the hon. and gallant Member for Lincoln. He saw many functions which the Poor Law Commissioners might be beneficially called upon to discharge, and among them that of controlling the Boards of Guardians. He objected to the notion which had for some time past prevailed, that this Commission was to be permanent, and had he held a seat in Parliament when the New Poor Law Bill was passed he would not have given his vote for the formation of a body of that kind. The proposition, however, for abolishing this Commission, was, as matters stood, almost impracticable; and, therefore, though he felt very strongly the objections to the constitution of the Commission, he felt it his duty to oppose the Motion of the hon: and gallant Member for Lincoln.

Mr. *W. Williams* thought, that as the Poor Law Act was now in complete operation, the functions of the Poor Law Commissioners had been discharged and ought to cease. One Commissioner was sufficient for transacting all the business now before that board, and a reduction of that kind ought at least to be effected.

Mr. *M. Milnes* would ask whether there was not in the working of the Poor Law a tendency to discourage rather then encoursge voluntary charity, and to raise an opinion that it was on the whole more injurious than the principle of out-door relief? He felt very strongly that if it was contemplated that the wants of the poor were to be altogether left to the Poor Law, that law was totally unfit for supplying them. He was of opinion, and more so from the increase of population and its tendency to centralize itself, that a Poor Law could never be successful unless assisted by a large amount of private charity. So far as he had seen the operation of local acts in the borough which he represented, he approved of them; yet he could not shut his eyes to the enormous inconvenience that would arise from the abolition of the Poor Law Commission; and upon the whole, he thought that the Motion of the hon. Member for Lincoln ought not to be acceded to.

Captain *Pechell* was surprised to hear from a Liberal Member on that side of the House that irresponsible Boards of Guardians were not to be trusted with the administration of the Poor Law. If abuses arose would not the rate-payers have power to remove them? The Poor Law Act never would have passed the House if it had been contemplated that the Board of Commissioners was to be perpetual; yet they were now from year to year allowing statutes to be passed for the purpose of giving a pretext to effect that perpetuity. Sir J. Scarlett had said, that the Parliament were delegating to a separate body an absolute power over the greater portion of their domestic economy. Sanctioned by that authority, and by that of Lord Lyndhurst, he was justified in supporting the Motion of the hon. and gallant Member for Lincoln.

Mr. *Borthwick* would take leave to state, very briefly to the House the grounds upon which he had decided to support this Motion. Its effect would be to abolish the entire system of the law of 1834. He wished to see that consummation; and not blind to the hazards attending its achievement by this particular means, he still saw greater, much greater evils, connected with the continuance of the present system. The right hon. Gentleman (Sir J. Graham) had, in his praise and defence of the Commission, admitted, that when called into existence by the Act of 1834 it had at first advanced with the feeble and uncertain step of infancy. It had staggered, stumbled—he did not say it had fallen—but it had babbled with a sad loquacity, and its babblings had not been understood by the public, if indeed they were comprehended by itself. But the hon. Member for Lambeth was not discreet in his praises. He laid at the feet of of this Commission the very devotion of a lover's homage. The hon, Gentleman in his Commission could see no faults—nay, like Waller and his mistresses what in any other man would be a blemish and defect, the hon. Gentleman found in a Poor Law Commission to be the most exquisite beauty, but the very beauties for which the Commission had thus been praised were, to his mind, grounds of his distaste and disapprobation. The hon. Gentleman had brought to his mind a smart epigram, written by a gentleman of the time of Louis Quatorze, upon some praises bestowed by a rival upon one of the court beauties. It was something as follows:—

> "Quelle flatterie importune
> Comparer Iris au Soleil!
> Il est commun, elle est commune;
> C'est tout ce qu'ils ont de pareil."

Really the very qualities for which the hon. Gentleman admired the Commission were those which recommended it the most strongly to his dislike. It was the creature at once, and the exponent of a principle—a philosophy—which could not be engrafted upon the British Constitution without the most fatal consequencs. The hon. and Gallant Gentleman opposite (Captain Pechell) had quoted high authorities; he would, without disrespect to those authorities, quote a yet higher, he would quote a name which must ever live amongst the brightest and most enduring glories of this country. The name of one who had reached the highest honours through a life every step in which was marked by honour to himself and by benefit to his country—he meant the late Lord Eldon. That illustrious man, as they were informed by an able and valuable record of his life, just published, expressed himself on the night on which the Bill of 1834 was to be discussed in the House of Lords to this effect—he quoted from memory—"That the evils which I foresee in this new treatment of the poor and helpless may never fall upon the country I fervently pray. It is to be discussed to-night; but to their assembly mine honour be not thou united." That the evils which Lord Eldon had foreseen had fallen upon the country he thought had been proved by the unhappy experience of years; but whatever might be their opinion of that, the evils, if they existed at all, were from their nature permanent, enduring, and ever crescent; and to prevent their continuance and growth he would vote, notwithstanding its hazards and difficulties, for the motion of his hon. and gallant Friend.

Mr. *Newdegate* gave full weight to the objections that had been taken to the specific Motion of the gallant Member for Lincoln. No hon. Member felt more grateful to the right hon. Baronet (Sir J. Graham) than he did for the alterations which had been effected in the Poor Law; but he felt that these alterations were worthy of a better enactment than that to which they belonged, and which was a mere dedication of powers to this Commission. In announcing his intention to vote with the gallant Member for Lincoln, he felt himself bound to state his objection that the period within which the Poor Law Commission should be abolished, ought not to be so short as was proposed in his Motion.

The House divided on the question that the Clause be read a second time:—Ayes 8; Noes 81: Majority 73.

List of the AYES.

Baskerville, T. B. M.
Borthwick, P.
Collett, J.
Fleetwood, Sir P. H.
Hall, Sir B.
Hornby, J.
Newdegate, C. N.
Pechell, Capt.

TELLERS
Sibthorp, Col.
Spooner, R.

List of the NOES.

A'Court, Capt.
Alford, Visct.
Allix, J. P.
Arundel and Surrey Earl of
Baring, hon. W. B.
Boldero, H. G.
Bowes, J.
Broadley, H.
Brotherton, J.
Bruce, Lord E.
Bruges, W. H. L.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Corry, rt. hon. H.

Courtenay, Lord
Cripps, W.
Damer, hon. Col.
Darby, G.
Denison, E. B.
Dickinson, F. H.
Duncan, G.
Egerton, W. T.
Eliot, Lord
Emlyn, Visct.
Entwistle, W.
Fellowes, E.
Forster, M.
Fuller, A. E.
Gardner, J. D.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt hn. H.
Graham, rt.hon.Sir J.
Greene, T.
Harcourt, G. G.
Hawes, B.
Henley, J. W.
Herbert, hon. S.
Hervey, Lord A.
Hodgson, R.
Hope, hon. C.
Howard, P. H.
Jermyn, Earl
Kemble, H.
Knatchbull,rt.hn.SirE
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord A.
Lincoln, Earl of
McGeachy, F. A.
Marsham, Visct.
Meynell, Capt.
Milnes, R. M.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, A. S.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Plumridge, Capt.
Pringle A.
Rawdon, Col.
Round, J.
Rushbrooke, Col.
Shepgard, T.
Smith, rt. hon. R. V.
Smythe, hon. G.
Somerset, Lord G.
Stanley, Lord
Stewart, P. M.
Strutt, E.
Sutton, hon. H. M.
Thornhill, G.
Trench, Sir F. W.
Trotter, J.
Vernon, G. H.
Wawn, J. T.
Wodehouse, E.
Wortley, hon. J. S.

TELLERS

Young, J.
Baring, H.

A Clause proposed by Mr. *Vernon Smith* respecting the appointment of collectors of the Poor Rate was added.

The Earl of *Arundel* moved the insertion of the following Clause :—

"And be it enacted, that the Commissioners do and shall order Boards of Guardians to take measures for allowing all paupers, not being members of the Church of England, to attend their respective places of worship, when within reasonable distance, at all reasonable times."

Sir *J. Graham* said, that he was willing to give every attention to the subject. He thought that all facilities ought to be given to the inmates of workhouses not members of the Church of England, for attending their respective places of worship. Every instruction would be given to the Poor Law Commissioners for effecting that purpose, and he hoped that as such was the case the noble Lord would not insist upon pressing his Motion.

Mr. *Escott* said, that the present Clause was free from the objections which subsisted to a similar Clause moved on the preceding evening, and he hoped that the noble Lord would press it.

Mr. *Darby* bore testimony to the efficacy of the principle, which he had seen carried into practice with the greatest advantage though not without difficulties in doing so.

Mr. *T. Howard* contended, that without the most strenuous efforts on the part of the Poor Law Commissioners to restrain Board of Guardians, the existing evil would not be removed. He hoped that his noble Friend would press his Motion.

Mr. *V. Smith* hoped that the noble Lord would not press his Motion after the explanation of the right hon. Baronet.

The Earl of *Arundel* consented to withdraw his Motion.

Mr. *S. O'Brien* moved the following Clause :—

"Provided always, and be it further enacted, that whenever it shall appear to the Board of any district school that the space within such school is more than sufficient for the accommodation of poor children within the district for which such school shall have been built, it shall and may be lawful for such board, subject to the approval of the Poor Law Commissioners, to make order for the admission of so many other children residing in the same district as shall seem expedient to such Board; and the weekly provision for the maintenance and education of such children shall be fixed by the Board at such rate as shall in their judgment be amply sufficient to cover every expense on account of such children."

Sir R. Peel in 1831, strongly recommended such an arrangement. The right hon. Member for Perth (Mr. F. Maule), and others, had concurred in the sentiments of the right hon. Baronet upon that occasion. He was prepared to defend his Motion upon two grounds: first, because there was danger if it was not adopted that a premium would be given to poverty; and, secondly, because he believed that such an arrangement as was thereby proposed, would tend to prevent pauper children from feeling the stigma attached to their situation, by being educated as a separate class. The Bishop of London had in 1831 stated, that it was not desirable to make the education of the poor more different from that of the rich than their situation demanded. He (Mr. S. O'Brien) had no authority for saying so, but after what he had just quoted, he had no doubt that the Clause which he now proposed would meet with the approbation of that right rev. Prelate. The House would observe that the consent of the Poor Law Commissioners and of the

Board of Guardians was requisite before the Clause could be made operative. With these two provisions, with the restriction to a radius of seven and a-half miles, and considering that the means of education were so notoriously disproportioned to the wants of the people, he could not conceive that any danger could accrue from admitting this Clause into the Act. The effect of his Motion would be, to add to the amount of education and to approximate so much the nearer to a general system thereof.

Sir *J. Graham* said, that nothing beyond the proceedings of that debate were necessary to convince him, had he no other proof of it, how intimately the question of the Poor Law was interwoven with the greatest subjects of national policy. To the number of leading topics which had already been touched upon, the hon. Member for Northampton had now added that of education. That hon. Member had, however, omitted to consider that the district schools provided for in the Bill were pauper boarding-schools, inasmuch as they were the collection in these district schools of pauper children drawn from the surrounding workhouses. It would, therefore, not be right on the part of the Commissioners, or of the district Board of Guardians, to consent to any expense for the building of larger schools than were necessary for the ordinary number of children contained in the surrounding workhouses. It would not be just to the ratepayers to expose them to greater expense than was requisite for the pauper population of their unions. He (Sir J. Graham) objected to the Clause, not only on these grounds, but because it held out expectations which it could not fulfil. It was an attempt to introduce a general scheme under cover of a local and particular enactment; for, as the plan of district schools was, by the Bill, confined to the metropolis and four or five other places, and affected only one class of the poor, such a Clause as that proposed would create the greatest disappointment, by creating hopes for the education of the poor generally throughout the kingdom. He did not attach so much authority to the opinion of the right rev. Prelate the Bishop of London as the hon. Member for Northampton, for he was not prepared absolutely to be bound by it; but he had no hesitation in saying, that that right rev. Prelate was opposed to the proposition of the hon. Member. It was admitted, that as far as was possible, the Bill sought to increase the means of education among the poor, especially where the largest numbers were congregated; but was this proposition adapted for such a purpose? He had a decided opinion that it was not. It would place an unjust assessment upon the rate-payers, and be most injurious to the existing schools of all kinds, supported by voluntary subscriptions, if it succeeded. Such a supposition, however, he regarded as delusive. The hon. Member had referred to what took place upon this subject in 1841; but the schools then under discussion were day schools and not boarding-schools. The whole scheme of the district schools was founded upon the understanding that provisions as well as education should be found for the children. On these grounds, he felt it to be his duty to oppose the Motion.

Mr. *Hawes* was astonished at hearing now the decided opinions of the right hon. Baronet (Sir J. Graham) compared with what he had previously said upon the subject. The objection taken by the right hon. Baronet that the schools were to be boarding-schools, was not valid, as the Poor Law Commissioners had, by the Clause, the power of saying when day borders should be received, and when they should not. There was no compulsion under the Clause to receive children as boarders; though he was the last person who would say anything disrespectful of the Bishop of London, he felt bound to state it as his opinion that that right rev. Prelate saw in the Clause a more liberal system of education than he approved of. He (Mr. Hawes) would support the Motion of the hon. Member for Northampton.

Sir *R. Peel* said, that he intended to support the views of his right hon. Friend (Sir J. Graham). On a previous occasion he had declared that he had a strong prepossession in favour of the Motion now before the House, as he thought it would give to parents generally the advantages of such an education, as they could not otherwise possess. If the question was one between ignorance and knowledge, between Christianity and infidelity, the Church could not be conceived, be much injured thereby. He found not only on the part of the Bishop of London, but of others also, an opinion that such an arrangement as that now proposed would rather check and impede voluntary efforts for the education of the people than encourage them, and that instead of increasing the sum of education it would very likely check it. The district schools ought to be constructed only of the size requisite for the accommodation of the pauper children, and it would not be right to charge the rate-payers for room beyond that which was required. He yielded his former opinions to the authority of those who were conversant with the subject, and would therefore oppose the Motion.

Mr. *V. Smith* would not tax the right hon. Baronet with inconsistency, but thought that hon. Members had a right to be convinced by his previous arguments; for at present he had adduced none. He thought the principle of the Clause was excellent, as it went to convince the pauper children that they were not outcasts from society, and to encourage a general and high spirit of concession towards them among the children of the lower classes generally.

Mr. *O'Brien* was of opinion that, under the circumstances, it was not of any use to divide the House upon this Clause.

Clause withdrawn.

Further consideration of Report adjourned.

CONSULS IN JAVA AND MANILLA.] Mr. *Labouchere* begged to ask the right hon. Gentleman the President of the Board of Trade a question. It had been stated that difficulties had been created by the Dutch Government in the way of appointing Consuls in the ports of Java, to furnish certificates of origin to sugar-growers who shipped their produce to this country. He asked whether the fact were so, and whether any means had been devised for obviating the difficulty.

Mr. *W. Gladstone* said, that persons resident in Java, not bearing the title of Consuls, had been authorized by Her Majesty to grant certificates of origin of sugars shipped from the ports of that island for England, and the persons thus selected were such as the Government could fully depend upon. He would take that opportunity of stating that a gentleman had been appointed to fill the situation of Consul at Manilla, who had formerly been Consul at Damascus, and who would receive a salary of 1,000*l.* a year, with an allowance for a clerk. The foreign commerce with Java was principally carried on at the ports of Batavia, Samarang, and Sourabaya. The name of the gentleman who would act at Batavia was Bonhose; Mr. M'Neil was to act at Samarang; and a gentleman named Fraser was to officiate in the capacity of certificate granter at Sourabaya. The amount of remuneration which these gentlemen would receive for performing their duties was not yet fixed; but he understood from the Foreign Office that 300*l.* a year would be the maximum allowance in each case.

Mr. *Labouchere* begged to know whether the gentlemen in question were merely private merchants resident at the different ports, or whether they would be invested with any civil functions?

Mr. *Gladstone* said, that the persons appointed to grant certificates of origin would not hold any consular appointment. Their duty would be confined to the mere inspection of sugar shipped for British ports. As to the question which related to their being engaged in mercantile affairs, his impression was, that Mr. Fraser was not in business, though he had been engaged in commerce, and that Mr. Bonhose and Mr. M'Neil were both merchants.

CONTROVERTED ELECTIONS.] House in Committee on the Controverted Elections Bill.

On Clause 55,

Sir *R. Peel* rose to propose the Amendment of which he had given notice. Before he submitted his Amendment, he wished to congratulate the House upon the great improvement which had taken place in the practice of Election Committees. He thought that if the proceedings of Election Committees constituted according to the present law were contrasted with those of former Committees, a very great improvement would be seen, and he believed that greater confidence was now felt in the decisions of such Committees. The four eminent Counsel who had been examined befor the Committee which had investigated this subject, had borne very satisfactory testimony to the improvement in the proceedings of these Committees. Those learned gentlemen had stated their belief that the imputations which had been thrown out against the Members of Election Committees were unfounded. He believed that the great security for the due administration of justice was the conviction, which existed on both sides of the House, that judicial functions were committed to Members of these Committees, and that a most solemn obligation was violated if their decisions were not in accordance with the evidence adduced before them. He believed that nothing could more tend to raise that House in the estimation of the public than the evidence that this was the feeling which guided the decisions of Election Committees. The question he had now to bring under the consideration of the House was, whether there should be a reduction in the number of Members constituting Election Committees, and if so, what that reduction should be. The decision of the Committee which had investigated this subject, and which consisted of some of the most eminent Members of that House, had decided in favour of the reduction. The question then came before the Committee to what extent the reduction should be carried. On that point—as to whether future Committees should consist of five or three Members—the Committee were equally divided in opinion. Certainly, a majority of that Committee, five to four, were in favour of constituting Election Committees of three Members; but the noble Chairman of that Committee did not conceal his opinion that he wished the Committee to consist of five Members. He confessed that though he willingly bowed to the decision of the Committee in favour of a reduction, he would prefer that the number of Members on such Committees should be reduced to five rather than to three. He admitted there was great force in the argument as to the concentration of responsibility; and he would greatly prefer a Committee consisting of five Members to one of thirteen, on account of the additional responsibility which, in his opinion, was imposed by such a limitation of numbers. But, on the other hand, he thought it would be advisable that such Committees should consist of more than three Gentlemen; for Gentlemen might view the same facts in a very different point of view, and he thought it better to have the collective judgment of five Gentlemen brought to bear upon such a subject, than the judgment of three Members of that House. If the Committee consisted of three Members, and by any circumstance, one Member was prevented from attending, the other two Members might be divided in opinion; and unless provision were made to meet such a case, no decision could be come to. He was disposed to regard the opinions of the Committee which had investigated this subject with great deference, five Members of that Committee having voted against four in favour of Election Committees being composed of three Members, and he hoped it would not be supposed, that he was evincing any intentional disrespect towards that Committee, which had suggested some most important and valuable alterations in the law, in proposing that Election Committees should in future be composed of five Members. The right hon. Baronet concluded by moving that in page 16, line 1, the blank be filled up with the word "four," in order that the Election Committee may be composed of five Members, including the Chairman.

Mr. *C. Buller* thought that House would desire, as far as they could, to amend a law which had done so much to redeem their character, and which had given substantial justice to them all. His opinion was, that the reduction in the number of Members of Election Committees to three would be most advisable, because in that case the general Committee of selection would be more deeply impressed with the importance of placing the most competent Members of that House upon such Committees. His own conviction was, that the best plan would be to follow the exact analogy of our Courts of Justice, and to constitute these tribunals of an equal number of Judges; at the same time, as he saw there was a strong feeling in favour of the suggestion of the right hon. Baronet, he would not offer any objection to that proposal.

The *Solicitor General* said, that some years ago he had considerable experience in proceedings before Election Committees, and he must say that there had undoubtedly been a great improvement in the constitution of such tribunals, which had now to a very great extent secured the confidence of the public. He was decidedly in favour of a reduction in the number of Members placed on these Committees, because he believed that such a course would entail increased responsibility on each individual Member. He thought, however, that it would be advisable first to try the experiment of a reduction from seven to five, instead of jumping at once from seven to three.

Mr. *B. Escott* said, he thought the experiment of proposing that Election Committees should consist of five Members was somewhat dangerous. The hon. Member for Liskeard had suggested that such Committees should be constituted of four Members; and he certainly thought that the decision of the majority of such a tribunal would be more satisfactory, than the decision of those Committees as at present constituted.

Sir *R. Peel* said, it was most inconvenient that tribunals of this nature should be broken up without arriving at a decision, especially as the proceedings involved great expense; and he would, therefore, propose at a future stage of this measure, that even if Election Committees should be reduced to one or two Members, they should still proceed with their investigation. He would propose that even if a Committee was by any circumstances reduced to one Member, he should still be enabled to prosecute the inquiry, with the consent of the parties interested.

Clause agreed to.

The other' Clauses of the Bill were agreed to.

House resumed.

Bill reported.

POOR LAW.] The further consideration of the Report on the Poor Law Amendment Bill was again resumed.

Captain *Pechell* moved the omission of the 12th Clause, relating to the placing out of parish apprentices. He objected to the controlling power which the Clause gave to the Poor Law Commissioners in selecting the trade and term of service of those apprentices. He also considered that the Clause was inapplicable to the merchant sea service, which in fact was properly regulated by the Merchant Seamen's Act. It could not be maintained that it would be proper to give to the Commissioners control over the merchant shipping; as to their power of visitation to see how the apprentices were treated, it would not be very easy to carry that into effect.

Sir *J. Graham* said, this subject had already been amply discussed. He certainly should think the Clause a very impolitic one, if it imposed any serious interference as regards binding apprentices to the merchant service, and he agreed with the hon. and gallant Officer that any visitorial power on the part of the Commissioners over the merchant service as to apprentices, would practically not be found a very easy duty to perform; but he could assure the hon. and gallant Officer, that however ambitious of power the Commissioners might be, this was not a power which they sought to exercise. But this Clause was not intended to interfere with merchant service apprentices; nor did he think it did so interfere. With reference, however, to the Merchant Seamen's Act, he might say, that it had been of great national advantage; for now some 25,000 boys were bound to the merchant service, whereas before the passing of that Act, there had not been more than from 3,000 to 4,000. He might state that his hon. Friend the Secretary for the Admiralty had a Bill now in progress in that House to amend and alter that Act; and, appended to it in the schedule, would be found a new form of indenture and the terms of service, regulating the duties of merchant seamen's apprentices. In point of fact, that Bill would supersede this Clause in the Poor Law Bill, so far as the merchant service was concerned; and therefore the hon. and gallant Officer might discharge from his mind all his objections to the Clause on that point. The only other objection of the hon. and gallant Officer was the control of the Commissioners over the discretion of the Local Boards as regarded parish apprentices in binding them to particular trades, and the term of their apprenticeship. In the main, the provisions of this Bill were regulations in favour of the young and unprotected, in those respects in which they were now unguarded; and he could not put his finger on any Clause in the Bill which more partook of that character than this; for, according to the law of Settlement, as it now stood, local Boards had a pecuniary interest on the part of those whom they represented, in transferring the burthen of the maintenance of destitute orphans, by binding them out to various trades, perhaps disagreeable and ill-suited to their strength and health: not only that, but they might pay a premium out of the parish purse, and by that premium many are induced to take these apprentices, without any regard to the interest of the children. If any transactions required supervision to control them, it was such as those he referred to; and he hoped, therefore, that the House would adhere to the decision of the Committee, and not allow the Clause to be expunged.

Mr. *Wakley* adhered to every declaration he had made in that House when this subject was before under discussion. In his opinion the Clause was dictated by a feeling of humanity, and was, he believed, one of the most valuable in the Bill. The children to whom it referred were the most unprotected part of the community. They had no parents, no guardians, no persons but the parish officers to look after them, and on a former occasion he had stated the manner in which the latter discharged their duty. He had stated, that in many parishes they were in the habit of seeing their children only once a-year, and, as the law now stood, the latter were furnished with no protection whatever. Did the hon. and gallant Officer consider that they ought to have no protection? But as the law now stood, if this Clause were omitted they would have none. His complaint was, that the Clause did not go far enough, because it grants the unhappy children already bound no protection. He hoped that the House and the Government would adhere to the Clause as it stood in the Bill. He regretted that the opposition to such a Clause should proceed from that (the Opposition) side of the House. Such opposition offered but poor encouragement from that (the Opposition) side, to a Minister to moderate the asperities of the Poor Law Bill. He trusted that the hon. and gallant Member would withdraw his opposition to the Clause. He (Mr. Wakley) trusted that something more would be done on the subject. He would take the point into consideration during the recess; and it was his hope that he should be successful in inducing Her Majesty's Government to adopt other measures with reference to this class of persons. He repeated what he had previously stated to that House, that there did not exist a more ill-used body of individuals than those to which the Clause especially referred.

Motion withdrawn.

Captain *Pechell* proposed a Clause empowering Gilbert Unions and Parishes having Local Acts to elect their own Auditors. He would endeavour to put what observations he had to make in support of the Clause which he had prepared in as small a compass as possible. He thought it would only be consistent with what the right hon. Baronet had allowed the metropolitan parishes, who had adopted Hobhouse's Act, to do, that he should accede to this Clause. They were allowed to appoint their own auditor. Why should not parishes under Gilbert's Act elect their auditors as they had done hitherto. No abuses nor mal-practices had been proved against the parish of Brighton, and he trusted that the right hon. Baronet would accede to his proposition; because, to vest the power of appointing auditors in the Commissioners was, in fact, to do away with their out-door relief, and to destroy the independence of that and other Gilbert Unions.

Lord *Alfred Hervey:* I rise to second the Motion of my hon. and gallant Colleague; and I can assure the House that it is with great reluctance that I venture to trespass upon their attention even for a few minutes when I recollect the immense length to which our sitting has been extended, and how dry and uninteresting the subject upon which I am about to address them must be to most hon. Members. Sir, I give my cordial support to the proviso which my gallant Friend has proposed, not because I entirely concur in every part of it, but because its general effect will be to prevent the provisions of the auditing Clause of this Bill from applying to large towns under Local Acts. I object to all interference on the part of the Poor Law Commissioners with large and populous parishes well governed under the provisions of Local Acts. I am aware that they possess this power to a certain extent by the existing law; and I do not now propose to deprive them of the power which they already have, partly because I am most unwilling to throw any uselesso r unnecessary impediment in the progress of a Measure which I consider to be of so important and beneficial a nature, and for which I think the country is deeply indebted to Her Majesty's Government, and partly because I hope that the Poor Law Commissioners will exercise that power with great discretion, as I feel bound to say I think they have hitherto done, and that they will recollect the purpose for which that power was given to them. That the authors of the New Poor Law Bill never intended that power to be applied for the purpose of interfering with the mode of administering relief to the poor in large parishes under the provisions of Local Acts where no ground of complaint existed, I have the authority of Lord Althorp himself and of Sir Frederic Pollock for saying. Lord Althorp, in introducing the Bill in 1834, said, "he hoped the Commissioners would not interfere with the parishes that were well regulated. The only mode in which he trusted they would deal with such parishes would be to follow their example." Sir Frederic Pollock some years later said, "when the

Poor Law Bill' was passed, it was the general understanding that all Local Acts should not be interfered with, but should remain in due force." But, Sir, although for these reasons I do not seek now to deprive the Commissioners of their existing powers, I trust I shall not be considered as pursuing a course in the least unfair, or of a factious nature, when I express my intention to oppose any further extension of those powers. Sir, I know that in expressing my opinion as to the inexpediency of interfering with Local Acts, I am liable to the imputation of being influenced by he local prejudices of my constituents; ut this Bill itself admits the principle for which I contend by enacting that parishes under Local Acts containing a population of more than 20,000, shall not be included in a Poor Law Union or a school district. I am moreover supported in my opinion by persons whose judgment ought to have the greatest weight with the House and Her Majesty's Government, and whose opinion is not open to the same ground of suspicion; I refer particularly to Sir F. Pollock and the right hon. Baronet at the Head of Her Majesty's Government. There are also two very important judgments of the Court of Queen's Bench, which, as I am extremely anxious not unnecessarily to trespass upon the time of the House, I will not go into at length; but I will merely state the effect of those judgments. In the case of St. Pancras, the Court decided that the Poor Law Commissioners had not the power to alter the constitution of Boards of Guardians under Local Acts; but the practical effect of the decision of the Queen's Bench in the case of the Whitechapel Union was to deprive those Boards of the advantage which they had gained in the case of St. Pancras, by declaring that the Commissioners had the power of placing any parish under a Local Act in a Union. When the Poor Law Bill of the noble Lord, the Member for the City of London, was under the consideration of the House in 1841, Sir F. Pollock alluded to these decisions of the Queen's Bench; but before I direct the attention of the House to the observations which he then made, I wish to anticipate an objection which may be taken with respect to them. The right hon. Baronet may say that they were made under totally different circumstances from the present, and in reference to a different subject, and that they are inapplicable to the audit districts. Sir, my answer to this objection is, that the only reason why they do not appear to have immediate reference to the Clause at present under discussion is, that the particular mode of interference then proposed is different from that which is now proposed. The proposal to include towns under Local Acts in audit districts was not then contemplated; and therefore of course the arguments then made use of could not have immediate reference to such a plan. But I contend that they were directed quite as much against the principle of interference as against the particular mode by which it was then sought to effect such interference. Now, Sir F. Pollock said, (speaking, let me remind the House, not as the representative of a town under a Local Act, but simply as a parishioner and a rate-payer), "After the decision in the case of St. Pancras, he left the court followed by a gentleman who said, 'as you don't like the Board of Guardians, we will put you into a Union.' Upon which he said, 'Sir, if you have any intention of doing that, I beg to tell you that your present remark will for ever prevent that, for in the Court of Queen's Bench, or in my place in Parliament, I will always be ready to state what I have said, and prevent you from doing indirectly what you cannot do directly.' He was a parishioner, and considered that if they were large enough to conduct their own affairs under a Board of Guardians, they did not want to be put into a union. He dared the party to do so." Now, Sir, I put it to the House whether these remarks do not apply with as much force to audit districts as to Poor Law Unions? I can only regret that Sir F. Pollock is not here; for I am sure he would have joined in the endeavour to prevent the Commissioners from obtaining a power by this Clause to do indirectly that which they cannot do directly, and that he would have expressed his opinion that if towns are large enough to conduct their own affairs under a Board of Guardians, they ought not to be placed in an audit district. In the same debate the right hon. Baronet at the head of Her Majesty's Government, alluding to the decision of the Queen's Bench in the case of the Whitechapel Union, observed "In that way all the parishes now governed by Local Acts were placed under the arbitrary control of the New Poor Law Commissioners." After suggesting that the Clause under discussion should be delayed in order to ascertain the number and population of parishes under Local Acts, he proceeded to say "he thought it would be a fair question for the Committee to consider whether there ought or ought not to be any limitation as to the population of parishes; as, for example, where there were at present parishes containing a population of 20,000 or 30,000, governed by a Local Act, whether it would be wise for them to exempt such parishes? He had always thought that where there were immense masses of population well governed under Local Acts, it would not be found expedient to place them under the control of the Commissioners." I beg the House to observe, that the right hon. Gentleman did not confine his objection to placing these large parishes in Poor Law Unions, but generally under the control of the Commissioners. Sir, I adopt the opinion of the right hon. Gentleman; and because I think that where large masses of population are well governed under Local Acts, it is inexpedient to place them under the control of the Commissioners, I object to placing such large towns as that which I have the honor of representing in the audit districts. Sir, if the House is prepared to adopt the opinion of the authorities to which I have referred, the only questions for them to consider are first, whether the particular mode of importanee which were condemned in 1841; and secondly, whether the parishes under Local Acts are well governed. With respect to the first point, what is the effect of this Clause? Why, it entirely deprives the ratepayers and guardians of all control over the expenditure of their rates, and thus violates a most important principle,—a principle which should never be violated except under circumstances of urgent necessity. The Commissioners by this Bill are to have the same powers over the auditor as under the New Poor Law Bill, that is, they are to determine his qualification, specify his duties, decide upon his continuance in, or dismissal from office, and fix his salary. If the Poor Law Commissioners issue any order to the Board of Guardians with respect to the administration of relief to the poor, and a charge is inserted in the accounts of the Guardians, inconsistent with such order, the auditor will be compelled to strike out such a charge as an illegal one; and notwithstanding the immense powers which this auditor will have, I find by this Bill that if the town of Brighton, for instance, with a population of 50,000, should be hereafter joined to a Union where an auditor has already been appointed, as far perhaps as the present generation is concerned, neither the Guardians nor ratepayers will have any voice in his appointment. I think, then, that I am justified in saying that this Clause in conjunction with the powers which the Commissioners already possess will entirely destroy the independence of Local Boards. The only other question to be considered is, whether these parishes have been well governed? I cannot of course prove negatively that no corrupt application of parochial rates has ever been made in any parish. The *onus probandi* lies upon the right hon. Baronet; but I can say with respect to the town of Brighton, that no dissatisfaction exists on account of the manner in which the parish funds have been administered. The provisions of the Local Act are well adapted to secure the proper application of the parish funds; for by them all ratepayers may at any time have access to the accounts of the Directors and Guardians, those accounts must be brought before the vestry to be audited four times in the year, and at these quarterly meetings, any ratepayer has the right to object to any item before the accounts are audited; and even after they have been allowed and audited, he can appeal to Quarter Sessions. I believe that these provisions of the Local Act have answered the purpose for which they were enacted; for all parties in the town are perfectly satisfied. There is no complaint on the part of the pauper, as in the Poor Law Unions; and that the ratepayer is satisfied, I think, is sufficiently proved by the fact that there has not been a single appeal during a long series of years. In addition to what I have said, I have the statement of an Assistant Poor Law Commissioner himself. I will with the permission of the House read one short extract from the address of Mr. Hawley to the Brighton Board of Guardians a few years ago. After speaking in terms of high commendation of some of the rules of the Board, he concludes his address in these words;—

> "And in other respects the existing amount of pauperism, as compared with the population, is highly satisfactory, and the progressive and striking diminution of the parochial expenditure observable in the accounts of the last three years speaks most favourably for the system of management that has been pursued. Finally, Gentlemen, your systematic mode of conducting parochial affairs, approaches in

many respects so nearly to the system laid down by the Poor Law Commissioners, that the change proposed to be made in your present establishment can scarcely be considered as an innovation; in fact, with the exception of altering the number and constitution of your board, the same machinery under new appellations will continue to work as heretofore, in order, under the authority of a central controlling power, to complete the uniformity of system throughout the country, and secure its future duration."

Sir, having, I trust, said enough to show that this Clause without the proviso of my hon. Colleague will interfere most seriously with the continuance of Local Acts; and that no ground has been made out to justify such interference, I will not any longer occupy the time of the House; but I will conclude by appealing to the right hon. Baronet to concede this point. I am convinced that this point may be conceded without abandoning any part of the principle of the Poor Law Act. I can assure the right hon. Baronet, that if I thought the concession which I ask for, would involve the abandonment of the general principle of the Bill, I would not ask him to make it: but believing as I do, that it will involve no such consequences, I trust that I shall not appeal to him in vain when I ask him to grant a boon which will be so gratefully accepted.

Sir *J. Graham* could hardly regret the renewal of this discussion, since it had afforded him the pleasure of hearing the speech of his noble Friend; and there was no appeal to which, if it were consistent with his duty, he would yield with more pleasure than one which had been made so ably, and in a manner so persuasive, as the appeal of the noble Lord. He could not, however, yield the point. The House had, by a great majority, decided on the Commissioners having the power of interference generally with these unions, and, if that interference was justifiable in any case, it was so as it appeared to him, in the appointment of auditors. It was true that parishes which had adopted Hobhouse's Act, had been exempted from the power of the Commissioners to appoint auditors, but Hobhouse's Act was not a local but a general Act; and if Brighton and other parishes under Gilbert's Act had liked to adopt that Act, they might have been exempted too. There were only four parishes in the metropolis which had adopted Hobhouse's Act; and he must say, they managed their accounts in a way more nearly perfect than any parish under a local Act with which he was acquainted. With respect to the case of Brighton—he held in his hand a report of a public meeting specially called in that town, to consider the propriety of petitioning the House of Commons against the audit Clauses, and in this he found recorded the speech of a Mr. Holford, who declared that he was an auditor of the accounts of the town. Mr. Holford said he should be sorry to see any auditor appointed under the Poor Law Commissioners do any injury to the poor; but he could not think for a moment that any injury would arise from the appointment of an auditor of that kind. He went on to say, it was obvious that they wanted an auditor; for he had seen the accounts for several years, and many items had been allowed for which there was no law. Expences of town meetings, clearly of a political character—expences of petitions, and addresses were among them. The high constable he had known (he said) charge more than 50*l.* "for clothing, and everything that was right to go to court with." There had been some hundreds of pounds (he said) paid out of the poor-rates, which he knew were illegal charges. Indeed, he could say, there were hundreds and thousands of pounds which went through their accounts which were illegal. This was the statement of an auditor of experience, respecting the mode in which the accounts of the parish of Brighton were administered; and he was of opinion that an auditor ought to be appointed. As he had said, he (Sir J. Graham) was confident that if any interference with these unions was expedient, that interference was the appointment of an independent auditor. The result would most certainly be to the advantage of the local rate payers. The question was not so much who should appoint, as who should dismiss. If the guardians had the power of dismissal, the auditors could not be independent of them. He hoped, therefore, the House would adhere to their former decision. Judging from the case of Brighton, they would evidently do right to extend the power of appointing auditors to places under local Acts.

Mr. *Williams* was ready to admit that the right hon. Baronet had gone a good way in concession to places under Local Acts, and that he had conducted the discussions on this measure with great propriety, and given what he no doubt considered most sufficient reasons for all he wished to be done, but in the two instances of the appointment of auditors under Local Acts and in places under Hobhouse's Act, there had been a total failure of reasons for the conduct the right hon. Baronet had pursued. He felt very great regret that the right hon. Baronet had not consented to admit the Clause.

Mr. *Muntz* said, the proper mode, if the people of Brighton allowed their accounts to go wrong, was to let them be punished for it, but not to let the Government interfere. He feared a great deal from this interference, and he thought it would be far better that the Government should leave the appointment to the rate payers, who, as a natural principle, must take care of themselves.

The House divided on the question that the Clause be inserted: — Ayes 10; Noes 52: Majority 42.

List of the AYES.

Borthwick, P.
Darby, G.
Fleetwood, Sir P. H.
Fuller, A. E.
Henley, J. W.
Masterman, J.
Muntz, G. F.
O'Brien, A. S.
Spooner, R.
Williams, W.

TELLERS.

Pechell, Capt.
Hervey, Lord A.

List of the NOES.

Ainsworth, P.
Allix, J. P.
Bagot, hon. W.
Baring, hon. W. B.
Barnard, E. G.
Beckett, W.
Boldero, H. G.
Botfield, B.
Brotherton, J.
Bruges, W. H. L.
Clerk, Sir G.
Clive, hon. R. H.
Cockburn, rt. hn. Sir G.
Corry, rt. hn. H.
Cripps, W.
Dick, Q.
Dickinson, F. H.
Flower, Sir J.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gladstone, rt. hn. W. E.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, C. J. B.
Hawes, B.
Hodgson, R.
Knatchbull, rt. hn. Sir E
Lincoln, Earl of
Mackinnon, W. A.
Martin, C. W.
Meynell, Capt.
Morris, D.
Nicholl, rt. hn. J.
Packe, C. W.
Patten, J. W.
Peel, J.
Plumridge, Capt.
Pringle, A.
Rice, E. R.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Trevor, hon. G. R.
Trotter, J.
Vivian, H. J.
Wakley, T.
Wawn, J. T.

TELLERS.

Young, J.
Lennox, Lord A.

Captain *Pechell* felt indebted to the right hon. Baronet for the courtesy which he had shown in the course of the discussions on this Bill. As a Minister of the Crown he was bound to perform a certain duty; and it was not to be expected of him that he should go much beyond the line of his duty; it was satisfactory, however, to feel after all their labours that many concessions had been made by the Government. In the course of the discussions he had done all that depended on him to explain and enforce the views of his constituents, and he trusted that he had fairly represented them. He would now take leave of the right hon. Baronet and of his Bill; for, after what had occurred, it was desirable that the House should go through the Bill as speedily as possible.

Report received. Bill be read a third time.

CRIMINAL JUSTICE (MIDDLESEX.] On the question that the Speaker do leave the Chair, for the House to go into a Committee on the Criminal Justice (Middlesex) Bill,

Mr. *Mackinnon* said, that as a magistrate of Middlesex, he wished to say a few words on the Bill before the Speaker left the Chair. The principle of the Bill was not known in the administration of justice among the magistrates of England. It was to establish a court in which there was to be a chairman with a salary appointed by the Secretary of State for the Home Department. It was on account of the countenance which it gave to the principle of centralization that he felt an objection to the Bill. It enabled, he repeated, the Secretary of State for the Home Department not only to appoint a chairman, who had hitherto been appointed by the magistrates of Middlesex at large, but to award to that chairman a large pecuniary salary. The magistrates of Middlesex were about 200 in number. At a meeting of those magistrates the subject of this measure had been discussed; thirty-two had voted for it, and thirteen against it; but, how came those thirty-two magistrates to vote in favour of this measure? Because they were friends — boon companions of the chairman of the Middlesex Sessions It was not very likely that Gentlemen who were in constant communication with an individual, who sat with him at dinner every day, and had frequent intercourse with him, would oppose a measure which would give to that individual

1,000*l.* or 1,200*l.* a year. The right hon. Gentleman opposite wished to introduce a new system of prison discipline; and a sort of contract had been proposed, that if the Middlesex magistrates would devote so many thousand pounds to the purchase of a building to carry out that system, the Government would pay the Chairman of the Sesions from 800*l.* to 1,200*l.* a-year. A letter had been shown to him, from which it appeared that there was an understanding of this nature between the Government and the magistrates. He objected to the appointment of the Chairman being vested in the Crown; for the principle, if once adopted, might be carried out most extensively. Why, he would ask, did not the right hon. Baronet propose the appointment of another Judge in the Central Criminal Court? What would be the effect of this Bill? It would transfer the jurisdiction from the Westminster magistrates to the Justices at the Clerkenwell Sessions. He asked the House to consider what inconvenience would be occasioned by requiring prosecutors and witnesses to go from Westminster to Clerkenwell. Why did not the right hon. Gentleman propose the appointment of an additional judge at the Central Criminal Court, to whom this salary should be given. If the right hon. Baronet wished to oblige the Chairman of the Middlesex Sessions, he might give the appointment to that Gentleman, who was a barrister of long standing. Another objection he entertained to this Bill was, that it would exonerate the City of London from an enormous expense, which would be thrown upon the county of Middlesex. But he wished to point out another evil which would result from this Bill. If a Chairman was appointed by the Government he would be totally independent of the magistrates. Six or eight magistrates might sit with him, but the Chairman possessed only one vote. In consequence of his not being nominated by his brother magistrates they possessed no influence over him; he was as careless of their opinions as they were of his. The Chairman might, on a case before the Court, turn round and say to the magistrates near him, "I think the prisoner ought to have seven years' transportation." On the other hand, they might say, "No; we think six months' imprisonment would be a very adequate punishment." Let the House reflect upon the position in which the chairman—the judge—would, under such circumstances, be placed. If the Chairman was to be the judge, he ought to possess the power of passing sentence; but did he possess it? No: this power rested with the magistrates sitting with him—a fluctuating body—six or eight of whom might come into court, while the same number might go out during the day, and the Chairman might find himself under the necessity of passing a sentence totally repugnant to his own feelings. On these grounds he thought it right to state his objections to the Bill.

Mr. *W. Williams* said, this Bill, which was one of great importance, had been introduced at a late period of the Session, without a single word of explanation. It appeared to him that Bill was not required by any parties connected either with the county of Middlesex or the City of London. He objected to the measure, in the first place, because it entailed a serious charge upon the public. He wished to know why the Chairman of the Middlesex Quarter Sessions should have a salary paid out of the public taxes any more than the Chairman of any other Sessions. If it was necessary that functionary should have a salary at all, why not pay him out of the county rates, rather than out of taxes levied from the people generally? It was proposed by this Bill, without the least necessity for such a measure being shown, to abolish the Quarter Sessions for the City of Westminster. Those Sessions had hitherto been held in the centre of the City of Westminster, but it was now proposed to transfer the business to Clerkenwell, and that change would entail the utmost inconvenience upon the people of Westminster. But one great objection to this measure arose from the peculiar relations subsisting between the county of Middlesex and the City of London. By an ancient arrangement, the City of London, for certain considerations, had undertaken to pay the cost of all prisoners committed to the prison of Newgate before trial. Why, then, should the county of Middlesex have entailed upon it the additional expense of keeping such prisoners? Had there ever been any difficulty in conducting the proceedings at the Central Criminal Court? By the 4th and 5th William IV., that court might hold its Sessions at least twelve times a-year. Those Sessions might be held every fortnight, if it was so ordered by the Queen in Council, or they might be made perpetual; and the authorities of the City of London had always shown a willingness that a gaol delivery should take place whenever circumstances rendered such a measure necessary. But would the judge to be appointed under this Bill possess an additional power of trying prisoners? No: he would have no power which he did not already possess as Chairman of the Court of Quarter Sessions. As he understood the Bill, the paid judge to be appointed under it would have to perform precisely the same duties which were now performed by the Chairman of the Court of Quarter Sessions. But he believed that this measure was proposed in connexion with a costly experiment, now in course of trial by the right hon. Home Secretary; and he held in his hand a correspondence that had taken place between the corporation of London, the magistrates of Middlesex, and the department of the right hon. Baronet, by which it was distinctly made a condition that the magistrates, in order to procure for a gentleman the appointment of judge with a salary, should consent to the entire alteration of the present system. When this proposal was made, the authorities of London made an offer to Sir J. Graham to enlarge their prisons. They asked, indeed, for permission to purchase the site of the old Fleet Prison, in order to carry out this object. The corporation were referred by Sir J. Graham to Major Jebb; and they were informed, that unless they were prepared to purchase ground to the extent of five acres they could not carry out the new system. He could not comprehend how such an extent of ground could be required for this purpose. The right hon. Home Secretary said, that this was necessary in order to carry out the separate system; but it appeared from the correspondence between the right hon. Gentleman and the Middlesex magistrates, that the object was to carry out the solitary system as applicable to prisoners before trial. He hoped, however, that the magistrates would never sanction such a course. He was quite aware that the opposition offered to this Bill by the hon. Member for Lymington (Mr. Mackinnon) and himself would be fruitless, unless it could be shown that the City of London had refused to grant greater facilities for the trial of criminals than were now afforded, this Bill was not justifiable.

Mr. *Wakley* said, no hon. Member of that House had more seriously castigated the Corporation of the City of London than the hon. Gentleman near him (Mr. W. Williams), and that hon. Member was well aware that the Grand Jury had made representations to the Corporation, complaining of the manner in which business was transacted in the Central Criminal Court, and of the accommodation afforded to prisoners in Newgate. His hon. Friend must know, that in the prison of Newgate, there was no classification; that the prisoners were huddled together in the most shameful manner; that they were crowded to such an extent that there were not beds for them to lie upon. Then what was the case with respect to the Westminster Bridewell? That immense gaol was nearly empty, and why? Because the magistrates for the City of Westminster were the only magistrates who had the power of committing to that gaol. But in the House of Correction there were sometimes 1,200 prisoners; and here there were no chance of classification. It appeared that in one year twelve warders were dismissed, ninety-three warders were punished, and 1,660 prisoners were punished for breaches of discipline resulting from the necessarily defective arrangements of the gaol, and the enormous number of prisoners confined there. He would put it to the House whether such a state of things ought to exist? Then, as to the New Prison—it scarcely afforded accommodation for one-half of the persons committed for trial. In that gaol, also, there was no classification; there was no arrangement of prisoners that could be at all satisfactory. He had no doubt it was well known to many hon. Members of that House that one of the modes of seporation practised in some prisons was to draw chalk lines upon the floors, and to forbid the prisoners to overstep them. Ought this state of things, he would ask, to continue? It appears, that at the Central Criminal Court, the cost of each trial was 2*l.* 10*s.*, while at the Quarter Sessions the cost was only 20*s.*; so that by trials at the Quarter Sessions three-fifths of the expenses were saved. During the last year there were upwards of 1,000 committals to Newgate for thefts varying in amount from 2*s.* to 20*s.*; and in each of those cases the cost of prosecution was 2*l.* 10s. Some objection had been made to the payment of the Chairman of Quarter Sessions; but was it right, he would ask, that they should have an incompetent officer presiding in such a Court, and could they expect the services of a competent officer without payment? At the Easter Sessions, he believed the number of appeals at the Middlesex Sessions was ninety-three; and the last Sessions the number was eighty-seven, and many of them involved nice points of law. On one occasion it happened the Chairman could not attend, and he (Mr. Wakley) only wondered that the Chairman had attended half so often as he had, considering he was not paid. Well, what was to be done? The magistrates were obliged to go on, and they attempted to do so, but they got into a a horrid mess. They found it was impossible to proceed, and they postponed all the other appeals. He was informed also that there were about thirty traverse cases every Sessions. It was to be borne in mind that many of the appeals were from the decisions of police magistrates who were barristers; and were their decisions to be reviewed by persons who were almost wholly unacquainted with the law? The hon. and learned Member for Rochester (Mr. Bodkin) had authorised him to state that he would have given this Bill his most cordial and hearty support if he had been able to remain in town until the present time. He must add, that he had heard what were called the "evening sittings" of the Central Criminal Court spoken of as the greatest abomination in the neighbourhood in which it was held; and it was stated that the most abominable practices took place in the immediate vicinity of the Court during its sitting. He thanked the Government for introducing this Bill, and would give it his cordial support.

Sir *J. Graham* said, he considered this subject as so important that he should be very sorry if this Bill did not become law during the present Session. He thought he could show a good reason why the Chairman should be paid a salary out of the public purse, but that was matter of detail to be considered in Committee. The hon. Member for Lymington had alluded to something like a contract between the Government and the Middlesex Magistrates as to this Bill, and said that if the Bill passed, a particular individual would be appointed Chairman. He could only say that he had entirely kept aloof from any such contract. The necessity for this Bill had been long admitted, and the dispute for many years had been who should have the right of appointment. The Middlesex Magistrates contended that the Crown should pay this officer, but that the right of nomination should be with them. The late Government, did not object to pay the salary out of the public purse, but contended that the Government being responsible to the public should have the appointment. He did not wish to enter into topics that had been already discussed; but he might say that he had the highest possible respect for the unpaid magistracy of this country, and thought they had rendered most valuable services to the public; but he thought the hon. Member for Lymington—he must excuse him for saying so—had not served their cause or raised them in public estimation either by his statements or by his example. The hon. Gentleman said he had a strong opinion against the measure; but on account of his regard for a certain individual, he would vote for it. The hon. Member for Finsbury has referred to the crowded state of Newgate gaol, and said it was not creditable to the City of London. This measure would afford an easy and cheap remedy for the evil, by the more speedy administration of justice. At present the Magistrates had power to commit to the Central Criminal Court or the Middlesex Quarter Sessions, but sent the prisoners generally—not, he thought, improperly—to the Central Criminal Court, on account of the state of the Middlesex gaol, and hence the crowded state of Newgate. That was a large gaol, but was greatly crowded. The Westminster gaol was a larger one, and had but few prisoners in it, whilst the Middlesex gaol was very small. But this measure remedied these evils; it opened the Westminster gaol to the relief of Newgate. It gave the Middlesex Magistrates no new power, but enabled them to exercise their discretion in a new mode, so that in cases not of a heinous character they could commit to the Quarter Sessions, to be presided over by a barrister of no less than fifteen years standing, and as there was to be a gaol delivery every fortnight, there would be a saving to the county-rates. In every respect it was an improved arrangement, to which no objection could be taken but the bugbear of that word "centralization." He had heard no other argument against it. He quite agreed with the hon. Member for Finsbury that the time had arrived when the evening sittings of the Central Criminal Court should be at an end. Whether they considered the position of the judge, jury, counsel, witnesses, those sittings were anything but conducive to the proper administration of justice. By lessening the amount of business at that Court the necessity for those evening sittings would be obviated. The hon. Member for Lymington had said that he (Sir J. Graham) had entered into a contract with the Magistrates on the subject of this Bill. Now, he must read to the House a letter which was sent by Mr. Phillips to Mr. Pownall on the 29th of June last, which would show that there was nothing of the kind. The letter was dated—

"*Whitehall, 29th June.*

"Sir—I am directed by Secretary Sir James Graham to acknowledge the receipt of your letter of the 22nd inst., and agreeably to your request, to transmit to you the enclosed draught of a Bill for the better Administration of Criminal Justice in Middlesex.

"In reply to your question, whether the Home Office will consider the alterations of the County Prisons on the principle of the plans of the Prison Inspectors, as indispensable to the introduction to Parliament of the proposed Bill, I am to inform you, Sir James Graham is of opinion that the partial alterations which might be made in the existing prisons would not effect the object, and that it can be obtained by no means short of the erection of a prison on the principles of construction recommended by the Inspectors.

"The building of such a prison would, however, by no means bind the Magistrates to any particular plan of separation, nor compel them to give their sanction to any arrangements incompatible with the rights, and unsuited to the circumstances, of the unconvicted. Should this desirable measure be carried into effect, it would be open to the Magistrates to define the nature of the discipline which they may consider most appropriate, in order that the prisoner before trial may be subjected to no privation or restraint not indispensable to his safe custody, the maintenance of order and his protection from vicious association. And having done so, they will submit, in the ordinary course of law, the approval of the Secretary of State, the rules which they may deem best adapted to the government of the gaol.

"Sir James Graham is also of opinion that there should be a definite understanding between the Secretary of State and the Magistrates, that effective arrangements should be made for the proper separation of prisoners before trial, previous to the introduction of the proposed Bill.

"I have the honour to be, Sir,
"Your Obedient Servant,
"S. M. PHILLIPPS."

That letter being laid before the Magistrates, two of them only voted against giving their sanction to the arrangements contained in this Bill. He would not detain the House any longer, but really hoped they might be permitted to go into Committee and then discuss the details of the Bill.

House in Committee.

On Clause 7 being proposed, which provided for the payment of the salary of the Chairman.

Mr. *Brotherton* moved to leave out the words "out of the Consolidated Fund of Great Britain and Ireland," for the purpose of introducing the words "the county rate."

Sir *James Graham* said, if the Motion of the hon. Gentleman were agreed to it would defeat the whole Bill.

Mr. *Brotherton* said he should be sorry to defeat the Bill, but he must persit in his Motion.

The Committee divided on the question that the words proposed to be left out stand part of the Clause:—Ayes 43; Noes 8: Majority 35.

List of the AYES.

Acland, Sir T. D.
Ainsworth, P.
Archdall, Capt. M.
Baring, hon. W B.
Blackburne, J. I.
Bouverie, hn. E. P.
Bruges, W. H. L.
Clerk, Sir G.
Cockburn, rt.hn.Sir G.
Cripps, W.
Darby, G.
Denison, E. B.
Escott, B.
Fremantle, rt.hn. Sir T.
Fuller, A. E.
Gaskell, J. Milnes
Gladstone, rt.hn. W.E.
Goulburne, rt. hn. H.
Graham, rt. hn. Sir J.
Hamilton, C. J. B.
Hawes, B.
Herbert, hon. S.
Jermyn, Earl
Knatchbull, rt.hn. Sir E
Lincoln, Earl of
Martin, C. W.
Masterman, J.
Nicholl, rt. hn. J.
Packe, C. W.
Palmer, G.
Peel, rt. hn. Sir R.
Pringle, A.
Rendlesham, Lord
Rushbrooke, Col.
Sibthorp, Col.
Smith, rt. hon. T.B.C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir W. F.
Wakley, T.
Yorke, H. R.

TELLERS.
Young, J.
Lennox, Lord A.

List of the NOES.

Aldam, W.
Collett, J.
Duncan, G.
Greenaway, C.
Henley, J. W.
Mitcalfe, H.
Morris, D.
Wawn, J. T.

TELLERS
Brotherton, T.
Williams, W.

Clause agreed to.

House resumed. The Report to be received.

House adjourned at a quarter past twelve.

HOUSE OF LORDS

Friday, July 26, 1844.

MINUTES.] BILLS. *Public.*—1ª. Ecclesiastical Jurisdictions; Joint Stock Companies Registration and Regulation; Railways; Clerk of the Crown in Chancery; Poor Law Amendment; Joint Stock Banks Regulation; Turnpike Trusts (South Wales); Grand Jury Presentments (Dublin); Transfer of Licenses (Post Horses).

2ª. Land Tax Commissioners Names; Three-and-a-Half per Cents. Dissentients.

Reported.—Party Processions (Ireland); Debtors and Creditors.

3ª. and passed:—Insolvent Debtors Act Amendment; Trafalgar Square; Farm Buildings; Aliens.

Private.—*Reported.*—Kingston-upon-Hull Docks; Ayr Bridge; Monkland Railways; London and Croydon Railway.

3ª. and passed:—Rochdale Improvement; Ventnor Improvement; Gaspé Fishery and Coal Mining Company; Lord Lovat's Estate; Sir George Gervis's (or Pemberton's) Estate; Bishop of Down, Connor, and Dromore's Estate.

PETITIONS PRESENTED. From Rowland Goldhawk, of Hazel Hall, Surrey, for Alteration of Law relating to Small Tenements.—From Chester, for the Establishment of Local Courts.—From Physicians and Surgeons of Shoreditch, and Clerkenwell, in favour of Measures for improving the Sanatory Condition of the People.

PARTY PROCESSIONS (IRELAND) BILL.] Lord *Wharncliffe*, in moving that the House resolve itself into Committee on this Bill, stated that the object of the Bill was merely to continue, until next year, an Act that had been annually passed for the last ten or twelve years, and which had been of very great advantage in restraining Orange and other party processions in Ireland, and consequently, in preserving the peace of the country. The present Act would expire on the 1st of August, and it was now proposed to continue its operation, not until the same period in the next year, but till the 1st of June, in order that should any similar measure be then necessary for the peace of Ireland, Parliament might be brought to consider the subject, and legislate upon it.

The Earl of *Wicklow* said, that when, on a former occasion, understanding that this Bill was to be brought into the other House, he had put a question to his noble Friend (Lord Wharncliffe), in order that he might have an opportunity of stating his objections to the measure, his noble Friend complained that that course was irregular, and that he should wait until the Bill came up to their Lordships, when he might urge his objections, and move any Amendment he thought proper. He would now, however, confess, that he had adopted that course designedly—for he considered that if the opinions of Members of their Lordships' House were to have any effect on Bills in progress, more particularly at that late period of the Session, the most desirable course was to express those opinions either on putting a question or otherwise, in order that they might have that consideration to which they were entitled elsewhere. Now, with regard to the suggestion that he might move to amend the Bill, he found, when he looked at the Bill, as it had at length come before their Lordships—as he knew he should find—that it was impossible to move any Amendment of any kind, especially of the nature he had referred to on a former occasion, to a measure which merely continued an existing Act, and did not set forth specifically the provisions of the Act which it renewed. The object of the Act was to prevent certain party processions in Ireland, and was originally directed against the Protestant or Orange party, as it was termed, in that country: but at the same time it was so framed as to apply to all party processions partaking of a religious character. To come within its provisions, the procession must assume a religious character, but not merely that, it required also that those meetings, against which it was to operate, should be accompanied by arms, banners, music, &c. He believed it impossible to put down all processions accompanied by music; but he also thought—and this was, he believed, the general opinion in Ireland—that if a Procession Act was necessary at all, it should embrace all processions. It was certainly most unjust and most unconstitutional to pass a measure of this nature, directed against one particular class only. Their Lordships knew very well, that there had been meetings and assemblies in Ireland of quite as dangerous a character and tendency as any this Act was framed to prevent. They could not have forgotten those "monster" meetings, to which the attention of the Government had been most properly called in the course of last year, with a view to their suppression. He believed that not one of those great and alarming meetings had taken place, which had not been preceded by processions, and accompanied by arms, banners, and music. He was quite aware that many of these processions, by which those "monster" meetings had been preceded, were nominally innocent in their character—that many of them were temperance processions; but he knew also that those processions, and the objects for which they were got up, had been grossly perverted and made subservient to party and political purposes—purposes which had been denounced by Father Mathew, the author of the temperance movement in Ireland—and used by designing persons as the readiest means of producing that monster mischief by which the country had been disturbed. He would appeal to their Lordships—was it proper to call upon Parliament to renew an Act which was directed against one party only, and did not include those persons against whose acts the Government had been obliged to call the laws into force, and through whose instrumentality so mischievous an agitation in Ireland had been produced? The Government would better consult the wishes and the welfare of the Irish people by allowing the Act to expire; and should any similar measure be found necessary next Session, to frame one that should include all processions and all parties. But this Bill was most inconsistent even for the objects for which it was introduced. It was to expire in the month of June; while all the processions against which it was directed took place in the months of July and August. His noble Friend had said, that the Bill was made to expire in June, in order to force Parliament into considering the question, and framing some enactment before that period next year. But surely the Government were not so powerless in Parliament as to render such a course necessary. The Government had the power of framing and proposing to Parliament whatever measures the welfare of the country required, and sufficient influence generally to pass them; but if not, the provisions of this Bill would not aid them in that respect. The Bill would be looked upon by the Protestant party in Ireland as a gratuitous affront to them: they would say, as they had already said, that it was made and framed against them, while it was at the same time so framed that it would not interfere with their anniversary meetings and processions. He should move, as an Amendment, that the Bill be committed that day three months.

The Earl of *Roden* was extremely glad that the objection to this Bill had been brought forward so openly and so ably by his noble Friend, whose observations would have the more weight as coming from a neutral party. If the objection had originated with him it might be said that they came from a partisan; and he admitted that he was, and ever would be, a partisan in the cause of the Protestants of Ireland. But, being so much connected with the people of that country as a landlord and a magistrate, he trusted he should always act with the most perfect impartiality. He agreed in all that had fallen from his noble Friend. What had occurred in the north of Ireland? The perfectly peaceable demeanour of the Protestants there fully bore out all that his noble Friend had stated as to there being no necessity for this measure. If ever men were placed under temptation to commit a breach of the law, if ever men had inducements placed before them to break the law, the Protestants of Ireland were those men; and he was convinced that this Bill would be felt by them as quite a gratuitous insult. Why, the petitions that were presented on the subject were not attended to, or why the measure was introduced, he could not conceive. He could not understand what was the object—he could not divine what was the purpose aimed at by the introduction of this measure; and he must be allowed to say, that the reason given by his noble Friend (Lord Wharncliffe) for this proceeding was no reason at all. It would not conciliate any party in Ireland. It could not be "a sop to Cerberus," for Cerberus was in chains. To him it looked like one of those "heavy blows" and "great discouragements" to Protestantism, which noble Lords opposite were so fond of dealing out to their poor Protestant fellow-subjects in Ireland when they were in power. His noble Friend (Lord Wicklow) had spoken of the great injustice of legislating against one class, while all others were left free. He perfectly agreed with his noble Friend in the justice and propriety of his observation. The bands of music of the temperance societies had become perfect nuisances. They attended at all public meetings, whether political or otherwise, and no one, except those who lived in the different neighbourhoods which they visited, could form any adequate idea of the annoyance they occasioned. They often were found playing near the Church when Divine Service was being celebrated, and their discordant noises disturbed the pious and sober-minded in the performance of their religious duties. Many persons had made complaints, and had applied to the magistrates to put an end to this nuisance, but it was not in their power. Those parties were suffered to parade, with banners and bands of music, to the great annoyance of the quiet and well-disposed, and there was no penal Act to prevent them for so doing. Such was the fact, whilst Protestants, if they assembled, were persecuted by penal statutes. Yes, if they met, not for the repeal of the Union—not to devise means for dismembering the empire, but for objects dear to every loyal man, such as to celebrate victories and events which had placed the House of Hanover on the Throne of these Realms—they were thus unworthily treated. Such an unjust system must surely disgust every loyal man in the country, whether Protestant or Catholic. He was sorry to say that he thought the temperance processions were connected with political objects, for at the great repeal meetings which were so detrimental to the country last year, the bands of music which belonged exclusively to the temperance societies, constantly attended and marched at the head of bodies of the people to the meetings from different parts of the country, thereby identifying themselves with the object of Repeal. For these reasons, he protested against the Bill, and concurred in the Amendment of his noble Friend.

The Duke of *Wellington*: My Lords, I think that my noble Friends who have just addressed your Lordships do not exactly recollect their own arguments when they describe this Bill as an insult to the people of Ireland, and as a measure of injustice. They say, whilst they call it unjust towards one party, that it is protested against by both. They say that it is an insult.

The Earl of *Wicklow*: I never said that it was intended as an insult. I said that it was received as such.

The Duke of *Wellington*: The fact of the matter is this. There is an Act of Parliament which has existed for many years—which has existed with great benefit to the country particularly in the course of the last year, when, and really I do not believe I am speaking too highly, great apprehensions were entertained; and I think I, as well as my noble Friend near me, and all parties in the House, applauded the conduct of those persons who were the objects of the law which it is the intention of this Bill to continue; applauded their quiet submission to the law, and their good conduct throughout all that passed, and the provocation which they received; we applauded their conduct highly, which not only gave us great satisfaction, but a security that the peace in that country would be preserved. This we felt in consequence of the conduct of those parties, and from the powers which the existence of this law gave us to enable us to preserve the peace, at least as far as the processions of these parties were concerned. We have the fullest reliance on their loyalty and good disposition; but we feel that it is a great object and a great advantage that we should have this law in force to enable us to preserve the peace, at least in that part of the country, and amongst that class of persons who were the objects of this law. But my noble Friends both say that there have been other processions with bands of music—with colours—nay, with fire arms. I was not aware of the general prevalence of armed men in these processions. There certainly may have been armed men; but I was not aware that there was any general prevalence of armed men at any of these processions. But the Government having duly considered what was going on in Ireland determined to put an end to these proceedings, and to bring those to trial who had been concerned in encouraging those processions, and the meetings of which those processions were the forerunners, and we see the consequences of those trials at the present moment—and, my Lords, I think that the Government may claim some credit for having performed their duty with respect to those processions and their consequences—the great meetings. We have now arrived at that state which enables us to see what will be the consequences upon the state of the peace in that country of those legal proceedings, and we see accordingly that there never was an instance in which the peace of the country was so well preserved as at the present moment, and that, in point of fact, throughout the circuits there have been but few trials of prisoners, and that in general the country is in a more peaceable state than it has been for a considerable number of years. Under these circumstances the Government is anxious to look forward to a period of peace in that country, and to be able to carry on the government of it without recourse being had to any extraordinary powers.

We did not come to Parliament last year, even in the midst of these monster meetings, when accounts of them were received month after month, and sometimes week after week; we did not come to Parliament, but we persevered in endeavouring to put an end to them, and to put them down, by the ordinary course of law, and what we desire now as we desired then—is to govern that country as this country is governed, by the common process of the law. But we also desire, as this law was enacted ten or twelve years ago, and as it has been in course of being carried into execution more or less ever since, and as it has preserved the peace of the country so far as these particular processions are concerned—we desire also that this law, being in existence, should be continued for a limited period, that we may try the experiment whether the country can or not be governed without any of these measures. The noble Earl, who sits on the back Bench (the Earl of Wicklow) says, why not enact a law against all processions? [The Earl of *Wicklow*: Processions accompanied by arms.] Why, the Government desire no new powers. The law has been carried into execution, and the law will be carried into execution, and we wish to try the experiment of what the law can do. Parliament will meet again in due course of time, and it will then be seen whether it is necessary or not to have new powers, and that will be the time to consider whether any new law is necessary, and if any new law is necessary, whether or not this particular law ought to be renewed or continued? This is what my noble Friend near me endeavoured to explain to your Lordships, and I think that it is a justifiable mode of proceeding on the part of the Government of the country. We desire no new powers, we desire to govern the country by the existing laws; and this we desire also, that these laws which exist may be allowed to exist for a certain period of time, in order that the experiment may be fairly tried, whether the country can be governed in peace by means of the existing laws. No one has ever said a word in deterioration of the loyalty and good conduct of the Protestants of Ireland; but we desire to part with no power with which the Legislature has for many years entrusted the Government; and I say, when Parliament meets again, we shall have full opportunity to consider the whole subject. On these grounds, therefore, I hope your Lordships will now agree to go into Committee on this Bill.

The Marquess of *Clanricarde* said, that although usually opposed to the Government, he felt bound to support them on this occasion. He quite agreed with the noble Duke opposite that the Government ought not to give up the power which the Legislature had so long entrusted to them. If the Bill were allowed to expire, the Government could not but feel responsible for any mischief that might ensue. He gathered from the speech of the noble Duke that he looked forward to better times in Ireland, but that expectation would not justify the Government in neglecting to renew this Bill. The noble Duke spoke also of the present tranquillity of Ireland, but he was afraid that he could not agree with him as to the causes which had produced it. He trusted, however, that it would long continue.

Lord *Wharncliffe* said, he must assure his noble Friends (the Earls of Wicklow and Roden) that nothing could be further from his thoughts than to offer an insult, or to do any injury to the Protestants of the north of Ireland, whose conduct had been most praiseworthy, and marked by loyalty and good order. It was certain that the law did not apply to the temperance and monster processions of last year. But they were to recollect that they had to deal with a man who boasted that he could drive a coach and four through an Act of Parliament, and who had contrived to keep those meetings within the verge of the law. Indeed, no Act could be framed effectually to extend this Bill to such meetings without preventing the people of Ireland from holding almost any meeting whatever.

Amendment negatived.

Bill passed through Committee, and reported.

SANATORY CONDITION OF THE PEOPLE.] The Marquess of *Normanby*: I have now to call your Lordships' attention to a subject, in my opinion, of unequalled importance. It is true, that I do so when the Session has almost run its weary length. It is not for me, on this occasion, to criticise the comparative value of its other labours; but I must remind you that at the very earliest moment, when the forms of the House permitted, after the meeting of Parliament, I put a question to my noble Friend opposite (the Duke of Buccleugh), the Chairman of a Commission appointed by the Government to inquire into this subject, whether we might expect any remedial measures during the present Session? On various occasions, during the progress of public business, I have with diminishing hopes repeated the same question, and I own that it is now with deep disappointment I feel myself obliged formally to bring the subject before you, with a view, at least, to extract a pledge from this House, that here these evils shall not another year be treated with continual neglect. The subject itself is so comprehensive in character, branching into so many details, that however much on former occasions I have felt myself enabled, from the interest naturally excited, to keep your attention alive,—I should fear that I might exhaust your patience if I did not confine myself as much as possible to the leading practical points—which are these:—whether the evils I have formerly depicted are still existing without mitigation, and whether—if they cannot, and will not be cured without legislative interference—the question is not, rather why this was not applied before, than why it should be applied now? I must revert for a few moments to the state of things as described when I first brought this subject to your notice, now nearly four years ago. I then proved to you, that there had been in the course of the last forty years a greater internal migration from one part of the country to the other, than had ever before taken place in any civilized society. Since the commencement of the present century the proportions of agricultural and manufacturing population have been exactly reversed. At the commencement of that period the agricultural population was to the manufacturing as two to one, now the latter is to the former in the same proportion of two to one. With this there has been a concurrent increase of national wealth; but there has been no addition to the comforts of the people—no provision for guarding their health—no care to raise their condition. Look, for instance, to the town of Manchester and its neighbourhood, not cited invidiously, but named naturally as proudly boasting to be the emporium of new-made wealth. It has also become the seat of disease, and the spirit of health has winged its way to those comparative solitudes, which the most enterprising portion of the population had left. This was not always so; this same locality was formerly famous for its longevity. In a calculation which I cited in a former speech, upon the authority of Sir Gilbert Blane; the deaths in Manchester were stated at the beginning of the century to be one in fifty-eight, as considerably below the national average. In 1811, he mentions them as only one in seventy-four, which seems so extraordinarily low, as to make one believe there must have been some mistake; but it shows that at any rate the fact must have been remarkable on the favourable side. It is a sad truth, that the mortality there now is about one in twenty-eight. I have upon other occasions alluded to a fact, since stated in Mr. Chadwick's Report, that 50,000 persons die annually from diseases which might be prevented by proper sanatory regulations. This was a fact, which made a very general impression, not only from its startling character, but from its accessible position, being stated in the third or fourth page of that voluminous Report, which most, valuable as it was, I fear, shared the fate of many of their laborious enquiries, stretching to too great a length to be willingly mastered by the general reader. I can, however, state from my own experience, that there is hardly a page in it which does not contain something of which no public man ought to be wilfully ignorant. It was said, though by those who only heard the result stated, that 50,000 were thus swept away annually—that faith could not always be placed upon calculations founded on statistics; but this was no speculative deduction, these were the results derived from the Returns of the medical officers actually attending the parties thus afflicted. But since then this statement has been amply confirmed. The Commission appointed last year, selected fifty towns, which some of the Commissioners personally visited, and to which they also sent queries on particular points. In the Appendix to the Report which I hold in my hands, it is stated, that in those towns the deaths in three years from fever and contagious disorders were 63,000, or 21,000 annually; but the population in those towns is now 2,051,799, if we take the population of the Metropolis and its suburbs at 1,800,000, that would make up nearly the 40,000 annual deaths; and we have, therefore, in order to verify Mr. Chadwick's estimate, only to distribute the other 10,000 deaths amongst the other 12,000,000 of the population—or in other words to suppose that three-fourths of the population may at least contain one-fifth of the number of deaths. Is it not much more likely therefore, that this Report from the Poor Law Commission, for which we are indebted to Mr. Chadwick, has but inadequately called our attention to the extent of the evil, than that it is guilty of any exaggeration. Let it always be remembered too, that not only Scotland but unhappy Ireland are left out of these calculations—in both the evil exists in at least as great an extent, and to both the remedy must be applied. I am not exactly aware why these fifty towns were selected by the Commissioners—probably because in them there may have been a greater proportionate increase. The general increase since 1801 has been in the proportion of seven to four—in these fifty towns it has been as five to two. And why did these towns increase in this degree? Because money was there to be made by the application of capital, and labour was therefore tempted from other quarters—and wealth has been made and capital has been doubled, and this because with enterprise there has been economy in all things but one—of human life there has been a constant waste; sinful because unnecessary. If you had the answers from almost every one of the fifty towns to the queries sent by the Commissioners, you would see there has been a total absense of all proper precautions. And can you expect the victims of this state of things to help themselves unless you interpose? They remove from their own neighbourhood because they expect better wages. Grant that in good times they succeed in obtaining higher nominal wages, who in too many cases benefit by the difference? why the owners of those disgraceful dens, which are a necessity to the labourer, who must live within a certain distance of his work: hence the combined evils of overcrowding and extortion; and, in too many instances, the emigrant from the rural district, finds that he has to add the cost of certain disease to the rent of the wretched room, already three times the amount of that of the gardened cottage he has left. Again I ask is this necessary? Mr. Austin states in his evidence before the Commission, that for the existing rents he could undertake to raise new buildings, returning 10 per cent. on the speculation, with perfect drainage, self-acting water-closet, water laid on to each floor, and an annual supply secured. And the cost of all this calculated to include the ground rent. If this is so, to what extortion must all those be helplessly exposed who are doomed to the dwellings I have lately visited: and with such evidence, why is there any delay in applying an adequate remedy? Can there be any doubt that all these evils now exist without the slightest mitigation? I have within the last few days convinced myself of the painful fact by occular demonstration. I have also availed myself of the more general means of information on these points of a friend of mine, a gentleman whose name is already known in connexion with these subjects, as applying the powers of an acute mind, enlightened by science, with constant devotion to the purposes of active benevolence—I mean Dr. Southwood Smith. From a mass of most interesting information furnished by him, in connexion with his experience at the London Fever Hospital, I shall trouble your Lordships with two cases, as bearing directly upon the question, whether legislative interference is necessary; but I should premise that I gather from him, that at no period was the general character of the fever more malignant than it has been within the last year.

"10. From No. 24 Crown Place, Soho, nine; that is, two, three, and four, form as many different families residing in this filthy den. The following remarkable fact may be mentioned in connection with this house. About five or six weeks before the admission of the nine individuals just mentioned three persons had been sent to the hospital from this same house labouring under fever. For want of room in the hospital no more could be admitted at that time although it was stated that several others were ill of the disease. Of these some were sent to the St. Giles's Workhouse, and others it is believed to the Middlesex Hospital. The house was then shut up. After the house had remained shut up for about a fortnight the landlord without adopting any cleansing or purifying measures whatever, let the house to some other tenants; among whom were the unfortunate creatures (nine) received into the hospital on this second occasion of the breaking out of fever in this pest house. It was now again shut up, but this time the parish officers whose attention was directed to the matter, thoroughly cleansed, lime-whited, and purified the house, as well as the adjoining tenements; since which no case of fever, it is believed, has occurred in this place; at all events there has been no application for the admission of any patient into the fever hospital."

"11. In Friday-street, Cheapside, there is a small court, called Star-court, three houses forming the court. From the house No. 2, no less than ten cases of fever were one after another admitted into the hospital; in fact every inmate of this house was attacked with fever, and some of the inhabitants of the two adjoining houses were also seized with this malady. All the sick were removed and the houses and court were thoroughly cleansed and the walls lime-whited. No cases of fever occurred for some time afterwards. At length, however, the disease again broke out in a very severe form, and the sick, as before were immediately removed. The court generally, and the houses in particular, underwent a careful inspection, both appeared tolerably clean; yet there was always, but more especially after a shower of rain, a most intolerable stench in the court, the source of which could not for some time be detected. At last however through the perseverance of the parish officers it was discovered' that the contents of a filthy privy belonging to one of the neighbouring houses were constantly escaping and that they had infiltrated into the stratum of earth immediately under the pavement. This privy was thoroughly repaired, and the pavement of the court was relaid; this change excepted, all the other circumstances of this locality, such as the number of inhabitants to each house, and the inhabitants being of the same class, as before; yet, since this change no case of fever has occurred.

If such things are, then arises the question what has the Government done to remove them? That they have done nothing one can certainly not say with this voluminous Report in one's hand. But the first question arises whether such a Commission as that from which this Report emanates, should now have been appointed. There can be no question that if appointed at all, it ought to have been so a twelvemonth sooner. In June, 1842, was presented Mr. Chadwick's Sanatory Report: one should have thought that by that was sufficiently indicated the general principle on which a remedy should be applied. The causes and the extent of the evil were made clear enough. But at any rate, the last course one should have expected from any Government receiving such a Report was a twelvemonth's inaction! Every twelvemonth—the Report told them—cost 50,000 lives. In June 1843, however, this Commission was appointed. I think a better course would have been that Government should have on their own responsibility determined the general principles on which they meant to legislate on these subjects, and then taken authority from Parliament to appoint a Commission of practical men to work out the details both with reference to drainage and buildings. Some central superintending authority will have to be created, referring, if necessary, to the Executive Government, but having the same sort of powers with reference to local bodies entrusted with the execution of the details of their measures, that the Poor Law Commissioners have with the Boards of Guardians. However, after the delay of which I complain a different course was adopted, and this Commission was appointed. That there is much that is valuable in this their first Report, I have not the slightest inclination to deny. I think it is overloaded with much as to cause and extent which was unnecessary, except for new men, who if they required this information, should not have been appointed on this Commission. I think, also, it is overloaded with scientific details, which would have been much more satisfactory if they had come from a Commission which was acting as well as enquiring. They conclude with saying they hope to have something to propose "within as short a period as may be compatible with the consideration due to so important a subject." Now this strikes me as one of those subjects on which there has already been too much consideration and too little action. They then state "to this end we are continuing our unremitting exertions." Unremitting exertions! we can only judge of promises for the future by performances in the past. I find by the marginal notes to the evidence reported, that this Commission has sat only eight or twenty days in the last twelvemonth. My noble Friend, (the Duke of Buccleugh) interrupts me with the assurance that they have sat on other days when they have not taken evidence. I am glad to hear it. Of course I can know nothing but what is here reported to Parliament, but at any rate there appears to have been an interval of six months in their sittings. Now do not let me be misunderstood. I am perfectly aware that it would be impossible for a person in my noble Friend's position, with his immense possessions, and the special claim that those connected with them have upon his attention, to give up all his time to this subject even if, from his political position, he had not other public duties. But then I say, that though it is no doubt a great advantage that a person of his station and character should be at the head of this Commission, communicating directly with the Executive Government, yet that it is desirable he should delegate to others many of its duties, as if the necessity for his presence causes all this delay, his connection with the Commission may be purchased too dearly, zealous as I know him to be in the good cause. If there is any truth in the estimates of annual mortality occasioned by these causes, every day's delay costs the lives of 135 or 136 persons. I have had, of course, some difficulty in the few days which have elapsed since the presentation of this Report, to master the whole of the evidence with its Appendix, but I think I have possessed myself of all the main facts here stated, and I have endeavoured to do so in a way that may enable me to illustrate by quotations from the evidence itself, that the question is in a state for immediate legislation, and that it ought to have been accompanied by a very different Report from this, which I cannot but pronounce as tame, vague, and unsatisfactory. Knowing how unwilling your Lordships are to listen to the reading of long documents, I shall as far as possible state from memory the facts as detailed in the evidence which bear out this conclusion — instead of asking your attention to long extracts. The most striking fact is that stated by Mr. Hawksley with respect to the supply of water for the town of Nottingham. Mr. Hawksley is connected with the Trent Waterworks, and his testimony is founded on experience: he says, that at present, within that borough 5,000 houses are supplied with water at a weekly cost of one penny each, formerly the inhabitants used to purchase water at a farthing a bucket, and a halfpenny if fetched from a distance. In general it was sold at three gallons one farthing; now 76,000 gallons are sold for 1*l.* or 79 gallons for a farthing. Mr. Hawksley also states that half the expence of laying water on is saved by constant service; not in this instance what is called high pressure, but by the pipes always being kept full. Mr. Hawksley seems to answer in the most satisfactory manner any question as to details, and any objection which is started, and one certainly rises from the perusal of his evidence, with the feeling, why is not all this already put in practice elsewhere? The whole question of Sanatory Regulation seems to turn upon the treatment of those two elements. air and water, both equally necessary to the healthful course of human existence, both equally necessary in their external influence on our frame, and in their internal use: one the primary ingredient in all human nutriment, the other the life spring of our lungs; and yet to apply them in perfection to the several purposes, they require precisely opposite treatment. Leave to the air its free and unrestrained course—put no artificial impediments upon its buoyant natural action, but on the other hand, guide and direct, and devise, on scientific principles, and by mechanical aid, the course of water, and by such means and in such proportion will you mitigate those ills which flesh is heir to. I say that I consider these measures as most purifying, because I verily believe that there is no other industrious population in the world suffering so much misery and degradation as large masses of our fellow countrymen. In any estimate of this relative suffering, I take into consideration the hardships of our climate. I stated that I have within the last few days again visited many of the worst districts at the eastern end of this metropolis. There had not been the slightest substantial change in their condition, but the late unusually fine weather had brought a temporary mitigation of their sufferings. The summer's sun could make his beneficent influence felt even in the most confined court, the crowded inhabitants of which could for a time exchange the canopy of heaven for their own stifling roof. But on the other hand I am obliged to remember the negro huts in the West Indies, many hundreds of which I have visited in other days, and I feel bound to admit, that before the Emancipation Act, the greatest outcry would have been raised against any proprietor who would have lodged his slaves in such residences as those I have lately seen within a walk of your Lordships' House. In the former Report, as well as in this, the fact is fully stated and confirmed, that the working classes would make any sacrifice to have their residences within a certain district of their place of work: amongst other witnesses I would refer to Mr. Wilson, of Macclesfield's, evidence in the Sanatary Report on this head. It is therefore, a mistake to say that the poor are free agents in this respect: the fact is, that this necessity on the part of the poor gives the proprietor of these loathsome dens a command of the most he can by any means in his power, extort from his tenants; and the other inhabitants of the district suffer by that also being absorbed in rent, which should go in rates. I am unwilling to trespass unnecessarily upon your patience, but I am aware of the impression which is always made by the *viva voce* testimony of an eye witness, and therefore, I cannot abstain from mentioning a few circumstances which have come under my own observation, when within the last few days I requested some of those active and useful members of society—the medical attendants and relieving officers of the districts of Spitalfields, Whitechapel, Bethnal Green, and their neighbourhoods—to accompany me to some of the worst of those localities, where the sanatory condition of the inhabitants was the lowest. I must mention in some detail as it seemed to me to furnish an epitome of all those evils, against which I wish to persuade your Lordships, at least to attempt, a remedy. In Turville place, Turville Street, there was not a house in which fever had not raged. In one room six weeks since, there had lived a man, his wife, and five children; at that time the husband was seized with the fever the natural consequence of dwelling where he did; four weeks since the wife was confined with twins, and the husband died. The water had been two years since cut off by the company from the whole of this court in consequence of a quarrel as to payment between the two landladies who owned the houses; and during all this sickness, neither these nor any other of the wretched inhabitants of the court had any water, except what the children begged and fetched, a distance of a quarter of a mile from Shoreditch. There was not a sewer within a quarter of a mile; and there was only one privy for all the houses in the court. This family had paid 1*s.* 6*d.* a-week for rent. In the opposite house there was a room on the ground-floor not much larger than the table at which I am now standing—almost all the flooring was decayed and broken, and the tenants had in vain asked to have it repaired. In this room lived a man, a woman, and two children; two children having previously died of fever. These poor people were bonnet-box makers, and earned, they said, only 8*s.* a-week; they also paid 1*s.* 6*d.* a-week rent for this room. I do not cite these as isolated cases deserving of your peculiar attention; but as circumstances of such general application, as to be beyond the reach of private benevolence. There is, I am happy to say, a Society lately established to which I am a subscriber, and which I rejoice to hear is sanctioned by the Government, the object of which is to furnish the poor with at least specimens of fitter buildings for their use. When this has been done, I trust that the problem will be solved, and that it will be proved that it is no longer necessary for the working man on account of his poverty, to inhabit dwellings of this description. It was high time to ask the question, was this a state of things that ought to be allowed to continue? It has arisen from the abandonment of its duty on the part of the Legislature, and I do not believe that there is any other civilised country in which such scenes of filth and misery—arising from neglect on the part of the Government—could be found. I will not attempt to describe to your Lordships the scenes of social degradation that might be found in some of these labyrinths of courts within courts so well described:

> "Where flags the noon-tide air, and as we pass
> We fear to breathe the putrefying mass."

Such scenes I have beheld in Dolphin-court; in George-yard; in New-court New-street; in Crown-court Quaker-street, Spitalfields; and many others of which I could give the names, only I should not thereby convey any definite idea to your Lordships. I will therefore, merely mention two or three instances which came within my observation, where the cases were marked by some peculiar characteristic. In New-court, Mile-end, I was shown a girl who had been subject to epileptic fits; she had been removed for many months from this baneful residence, and her fits had never returned till within the last few days; when, having come back again to the same place, she had again had an attack of epilepsy. I was told by the medical men who accompanied me, that when those who were exposed to these noxious influences escaped fever, it was by no means uncommon that they paid the penalty in shape of some severe nervous disorder. In Crown Court, Spitalfields, I was shown one house, where all the inmates, eight in number, had severally been attacked with fever. Your Lordships can have no idea of the want of all the common decencies of social life which must prevail in some of the low lodging-houses in this neighbourhood, from the manner in which the inmates are crowded together, but I will not be tempted to enter upon this occasion upon that fertile field for animadversion. In Bethnal Green on the other hand you see a population capable in their present state, of better things, with tastes worthy of a happier lot. Gardens nicely cared for, and flowers cherished in a manner that shews them capable of enjoying the bounties of nature, and yet here are these hardworking people literally poisoned by the effluvia to which they are exposed by the neglect of any of the common precautions of general drainage, for which they naturally look to those above them. I will give a curious instance of the propinquity of the most culpable neglect in this respect with the application for other and what are called better classes of the appliances of advanced civilization, Lambs Fields already enjoyed an opprobrious reputation for the extensive pool of filthy water which stagnates over half its extent. Through this has latterly run the Eastern Counties Railway, and the inhabitants hoped that they might profit by some care being extended to that portion of this appliances which was not required for the structure, on which the daily crowds who hurried through this pestifrous space for business or for pleasure were borne along —but in this they were disappointed, and not the slightest effort has been made to make this triumph of capital and of science a benefit to the wretched inhabitants of the district through which this mighty creation passes, by mitigating the evils which spread disease and death amongst them. Another curious instance—on the way to the Bethnal Green workhouse, there is at the back of Nassau Street, facing St. Andrew's Church, an open green, between which and the road there is a broad stagnant ditch, an effort had been made to run the contents of this ditch into a sewer which had latterly been constructed as far as a bridge at the corner of this piece of ground, but the landlord had dammed it up, in order to make a better protection against the boys who might play in his field. So to save him the expense of a fence, all the inhabitants of these otherwise eligible houses were exposed to this pestiferous infliction. But enough of individual instances which I could multiply *ad infinitum.* From all the information I have collected either personally or from documents, it is clear to me that certain provisions must be required in any legislative measure as indispensable. That water should be constantly supplied to every house; that the refuse should be removed by means of water; that the drainage should always communicate with the common sewer, and that as to building regulations, the first thing is, that ventilation should at once be in some shape or other required. Some other precautions are particularly required in some of the manufacturing towns where from the influx of additional population, houses are run up upon speculation, without the slightest attention either to security or convenience, as is stated by Dr. Mott, of Manchester. Objections have been stated to the former Bills on this subject which were fortunate enough to receive your Lordships' sanction. It has been alleged by those who have produced other measures, in which all the defects of the former ones have been maintained, that all the provisions with respect to the building regulations in the Bill which passed the House of Lords, were found to be impracticable. As I am not now going to propose any thing of a similar character for your Lordships' sanction, I need only say, that these measures were then submitted to the most eminent architects, Mr. Pennethorn, Mr. Cubitt and others, and the details were all approved of by them. But your Lordships may recollect that I then stated I thought it would be found necessary to establish some superintending machinery to work out those measures, and I am now decidedly of opinion, that Parliament should not legislate upon these subjects by clauses, but should establish some well-considered principles upon which the public health should be cared for; and then should leave it to a competent practical authority to see that these were properly carried out in details. I am aware that many look upon the dreadful results I have been describing as the necessary consequence of poverty, and therefore to be deplored, but still to be borne. This opinion is directly in the face of all the evidence collected upon every one of them. Mr. Chadwick in his report proves by concurrent testimony, that these diseases oftenest attack those in full work, and therefore not stinted in food. Dr. Arnott in his evidence upon the existing commission, shows that the sickness and deaths bear no relative proportion to the distress and destitution. The medical attendants at Glasgow stated that it was most severe amongst those of the labouring classes who were apparently rather robust in frame, if their homes were in a state to indicate their predisposing causes to disease, and though Dr. Dalt, of Glasgow, in a report which I have recently received, states as a reason why there was more sickness at the period of returning prosperity, that private benevolence was suddenly withdrawn, yet the fact is admitted to have been the same—that as general distress diminished, sickness increased. In Manchester the year 1841 was one of peculiar distress, but the proportion of the mortality was in the same year reduced from one in twenty-eight to one in thirty-one. In Liverpool where there was a mixed population, and therefore no such distress from the sudden depression of manufactures there was no corresponding reduction of mortality. This then is clear, that epidemic disease does not necessarily accompany poverty, but its visitation deprives a period of comparative ease and relative prosperity of all its blessings. I have hitherto viewed this question merely as one of common humanity, but it may not be uninstructive or without a beneficial effect upon the conduct of some persons relative to it—to look at it in a financial point of view, to calculate the dead loss in a money value of preventible sickness. The first compendious estimate under this head that I have seen was one given in Mr. Chadwick's Report, upon the authority of the Rev. Mr. Lewis, minister of St. Andrew's, Dundee. But I cannot mention Dundee, without alluding to the satisfaction I had in presenting lately a petition from that town on these subjects, signed by upwards of 4,000 of the working classes—nothing can be more creditable to those classes in the northern part of this island, than the active movement at present going on amongst them to raise their condition in these respects. In Edinburgh, Dundee, and I believe Glasgow, public meetings have been held, originating entirely with the working men, to establish public baths, and to take means for the improvement of their dwellings. This disposition has been taken advantage of by a benevolent gentleman of the name of Simpson, who has delivered lectures, at once eloquent and practical, to large assemblages in these towns. I trust that interest on those subjects will spread southward amongst the same classes. I have been diverted for a moment from the calculation of Mr. Lewis as to the cost of sickness—his calculation is founded upon an estimate of Mr. M'Culloch, that every skilled artizan had cost 300*l.*, and might be taken as worth half that sum, and taking this for the number of deaths, and calculating also the six week's loss of wages by the average duration of the disease for those who survived — he makes the amount, without any allowance for orphanage or widowhood, cost 25,000*l.* annually, and this would be a dead loss, not to those actually afflicted, but to the whole population, of more than the difference in the price of corn of the dearest year and the cheapest. Mr. Hawksley of Nottingham states his calculation differently, and reckoning something for the charges of support of widows and orphans, where the head of the family was the person attacked, he makes the cost in Nottingham 300,000*l.* in six years. It is unnecessary to calculate for your Lordships the amount this must bring to bear upon the whole population. You will at once see that a greater saving might in this direction be made in the charges which bear upon the productive industry of the country, than by any other means through fiscal alteration. But I am aware that many think those evils, however frightful, are only partial, that they visit merely those districts, where for the purposes of manufactures or other increasing employments, numbers are collected together. I wish your Lordships would carefully peruse Mr. Toynbee's evidence, the surgeon of St. George's and St. James's dispensary, where you will see that within a few yards of your Lordships' own dwellings, in the courts in the neighbourhood of Grosvenor-square, and other parts of the west end, precisely the same predisposing causes existed, and the same evils followed. There was also another valuable part of Mr. Toynbee's evidence as showing that the comforts of those who live by their labour did not by any means depend upon the then money amount of their wages. This is a point your Lordships must always bear in mind, whenever you take into your consideration that question which must force itself upon your attention — the physical and social condition of the great body of the people. Mr. Toynbee states, that he had many applications from persons in receipt of comparatively a high rate of remuneration, who were obliged by their vocations to live in particular localities, and to pay so much for rent and for doctors' bills, that he considered them more objects of charity than the labourer who had not more than two-fifths of their earnings. He gives for instance the case of a policeman. A policeman must live in certain districts, being in constant work he could not be supposed to be subject to the afflictions of absolute poverty; but the policeman to whom he alludes, out of his pay of 1*l.* a-week, had to pay 5*s.* rent, and large sums in doctors' bills, his children being all constantly ill, and consequently he was obliged to relieve this man, whom he considered a greater object of charity than a labourer at 8*s.* a-week. Much has been said in former discussions of the greater hardships of the agricultural portion of the population from exposure to the weather; but in this Report Dr. Guy states that cases not only of fever but of consumption are much more to be traced to confinement in close workshops than to any exposure to labour in the open air. It is stated in the evidence of Mr. Coulthurst that the want of ventilation from which fever proceeded at Ashton-under-Lyne, arose from the people not being able to have fresh air in their houses, in consequence of having been confined during the day in close manufacturies. Much has also been said of the evils of overcrowding, and a striking instance was given of it in the evidence of Mr. Clay of Preston. Preston is the town in which the population has most increased within this century, and there, according to Mr. Clay, were eighty-four instances in which four persons slept in a bed, thirty-five in which more than five so slept, three in which seven, and one in which eight slept, in the same bed. I see by the Report of the Census Commissioners, that it is stated that within the last ten years, houses have increased in a larger proportion than the population. This, as far as it goes is satisfactory, but nothing is stated as to the size of the houses. I believe in point of fact, in most of these new speculations in building, the houses are much smaller than formerly, and, therefore, in reality, more people now crowded into the same space though, perhaps, not under the same roof. Before quitting this part of the subject, I can not help adverting in a few words to the confirmation derived from the Reports of Mr. Clay of Preston and Mr. Coulthurst of Ashton of the impressions I have formerly urged upon your Lordships as to the effects of the overworking of the women. I readily admit that if such are to be the dwellings in which the working classes are for ever to be condemned to live, if there is to be no attempt to improve them, it would be useless to hope that any good effect would be produced by a limitation of the hours of labour either by voluntary arrangement with the employer, or by legislative interference; but on the other hand, I am quite sure from the evidence in this Report, that until such a limitation simultaneously takes place, it will be impossible to secure to the population of this country the comforts of a home. For after all, what is a home? It is where, in the interval between the time occupied in the labour necessary for support, and that which is equally needful as rest, should be cultivated the social relations of families, and should be practised those moral duties which belong to the character of a superior being. How is such a home to be maintained when sleep induced by fatigue claims every moment not spent as a mechanical fraction of a mighty machine whose labours are directed by a power which never tires? In the evidence of Mr. Clay it is stated:—

> "Marriages take place among the latter (the labouring classes) not merely when there is no reasonable prospect as to future maintenance—not merely at too early an age—but when neither the young husband nor wife is in the slightest degree prepared to fulfil the duties incumbent upon them: Perhaps neither can read; the wife cannot prepare a meal either comfortably or frugally; she is unable to dispose of her husband's wages in the manner best adapted for the support and convenience of their home; she can neither repair his clothing nor her own; and thus good wages are often squandered by ignorance and incapacity, which, under proper management, would procure every requisite and some luxuries, and permit a little to be placed in the savings bank. With such unfitness for the character of a wife, in what light does she appear as a mother? Probably, she is compelled by the necessity of her attendance at the factory, to forego one of the greatest of a mother's delights—the nursing of her child. The infant, when a few weeks old, is committed to the care of a nurse, who exposes it to cold, feeds it improperly, and drugs it with 'Godfrey,' until the little sufferer is soon removed from the world to make room for a successor doomed to the same short but mi-

serable course. Marriages among the poor are prompted not only by thoughtlessness and mere animal instinct, but sometimes on the part of the man, by heartless selfishness. The writer has met with several cases in which the husband was living in wilful idleness, supported entirely by his poor wife's wages earned as a warper or power-loom weaver."

Mr. Coulthurst states for Ashton-under-Lyne that the infant mortality there is greater there than in any other town in Lancashire, and this he attributes to the neglect of the children forced upon the mothers by the nature of their occupation, engrossing every moment of their time. And he draws a frightful picture of the quantity sold by the druggists of that pernicious compound which is known by a hundred different seductive names, but which was clandestinely called "Infant's quietness." Of this it was stated that the dose was "half a spoonful and more if necessery." If necessary! What was to be the necessity, and who was to judge of it? A person generally without the slightest natural affection for the child, and whose object was, at any risk, for her own comfort to put an end to its cries. Another picture is presented by Mr. Coulthurst of the flourishing town of Ashton-under-Lyne well worthy the serious attention of those who are so ready to boast of the advantages of the present day. Those advantages are great, but there is a dark side to the picture. Mr. Coulthurst states that on searching the marriage certificates of eighty years ago he found that there were then forty-four men and twenty-five females who could sign the marriage certificate out of every hundred; now there were only twelve men and eight women who could do so. It is right, after detailing the want of domestic comfort and this ignorance in Ashton, arising from causes only indirectly connected with the object of our present inquiry, that we should state that here is on the other hand furnished a proof that many of the other evils referred to might be much mitigated by the superintending authority of the landlord. The town belongs principally to Lord Stamford, and his agent has been directed in all leases to the under tenants to insert such sanatory regulations as should be desirable; and the result of this is shown by a comparison of the tables of mortality at Ashton-under-Lyne with other towns similarly situated. By such comparison your Lordships will find to a certain extent the advantages of such interference. This could not always be done, because these tenements were too often in the hands of persons who made an exorbitant profit out of the necessities of the poor. I own I am much discouraged as to any speedy improvement in these matters when I read the statement of Dr. Dunen of Liverpool as to what occurred forty years ago. It appears that the condition of the poor people living in cellars was at that time pressed upon the attention of the Corporation, but local interests prevented attention to the judicious recommendations then offered, and the population of Liverpool, at present the most sickly in the kingdom, has trebled in amount since that period, and in 1844 we are obliged to repeat the same language which had been used by the Committee of Physicians in 1800. There is another point to which I wish to direct your Lordships' attention, with reference to these legislative measures, which I am desirous you should now encourage by an assurance of your continued anxiety to improve the condition of the poor, and that is the necessity that every measure of this nature should be taken out of local control —I do not mean the details, but that there should be a superintending central authority. Mr. Hawksley said, that in Nottingham it was the fear of suffering loss from the reduction of value in the present dwellings, which prevented the commonable lands from being applied beneficially for the erection of habitations for the poor. I know from experience how little good results in too many cases from the reports of medical officers to the Boards of Guardians. Boards of Guardians are too often the very persons most interested in maintaining the present state of things, and I know that medical officers have sometimes had hints thrown out to them, that they had better not interfere with what did not concern them, when they ventured to make any suggestions as to the existing abominations. I have now endeavoured to prove and I hope successfully, that there ought to be no further delay, that up to a certain period there has been on the part of the Government a perfectly unaccountable and, I must be permitted to add, inexcusable delay. Whatever may be the merit of the course subsequently taken in the appointment of the present Commission, upon which I have my own opinion, I will not now question what has been done in this respect; still I say the former delay was indefensible. And what do I now ask your Lordships to do? Do I ask you to pass any the slightest censure upon those who have been responsible for this delay? The words of the Motion with which I shall conclude, do not necessarily bear any such construction. I merely wish that the Commission of Inquiry having first been appointed in consequence of an Address from your Lordships' House, and previous to the receipt of its Report, your Lordships having thought the evil so pressing that you had three times put the remedy into a legislative shape, I merely now ask that you should after two years subsequent inaction shew that you have not repented of your good intentions, or lost your virtuous sympathy for the suffering poor. I am aware that this is a question which of all others must, as to the working of its details, be left to the Executive Government. An individual could not do much good by legislation, and might do harm, therefore, after calling for this expression of the opinion of the House, I am willing for the present to leave the matter in the responsibility of the Executive Government. But let them beware of further delay. We now live in times of comparative political apathy. These, as in 1830, may be followed by times of peculiar political excitement. I am far from saying, should such a change take place, that any direct danger is to be apprehended from the sources to which I have been referring. No factious outcry is likely to affright the State from the feeble voices which crowd the wards of the fever hospitals. Such crowds are not those from the collection of which political conspiracy is to be feared; but the sick bed is the place in which there is most time to brood over neglect, or to feel gratitude for sympathy. It is an item in that account which the Legislature will one day have to render for the continued neglect of the condition of the people. If in the midst of immense wealth and multiplying capital, there is needless misery and deep degradation amongst large masses of the population, your Lordships should feel that it depends upon you to show that that degradation is not entirely hopeless, and to hold out at least a prospect of relief. You will be doing an act most consistent with your own former proceedings, most grateful to your Sovereign, if before you retire to your own wide domains and splendid homes, you shew that you are not unmindful of the unmitigated misery which still haunts the close pestiferous courts and those denlike abodes — if, as hereditary counsellors of the Crown, you approach your Sovereign to assure her of your sympathy for the poorest—the most helpless—the most patient and the most suffering portion of Her subjects. I have to apologise for the length to which the subject has led me, and conclude with moving

"That an humble Address be presented to Her Majesty, to thank Her Majesty for the Report upon the state of large towns and populous districts, recently presented to this House by Her Majesty's Command; to assure Her Majesty that this House continue to feel a constant and active interest in the Sanatory Condition of the People; to express our earnest hope, that early in next Session of Parliament, Her Majesty would be pleased to call the specific attention of Parliament to a subject of such paramount importance, and to recommend for adoption some practical measure of a comprehensive character, calculated to remedy evils of such acknowledged magnitude and proved extent."

The Duke of *Buccleuch* said, the subject which the noble Marquess had introduced to their Lordships was not one to be lightly treated; nor was it one of a party nature; it was not a question of party feeling, but of public policy and of humanity. The statements made by the noble Marquess of the condition of the poor in some of our public towns were warranted by the accounts which he (the noble Duke) had received, and by what he had witnessed. Until he had entered the precincts of one of these towns, he was not aware of the extent to which the evil existed. The noble Marquess had entered into statistical details of the number of deaths—and he had stated that not less than 50,000 annually —as he had supposed — might have been saved by proper sanatory regulations: but unless these statistical statements were analyzed, they were apt to deceive, and led to no practical result. For example, when it was stated, that of 100 children, one-half died before they had attained one year, he could only say that he did not think that his noble Friend had made due allowance for the ill effects of consumption and those epidemic diseases by which so many children were cut off at an early age; and—it was a curious fact—it would be found that where there was the lowest state of health amongst infants there was the greatest amount of births. It might seem extraordinary that it should be so, but the fact was established by evidence upon their Lordships' Table. The noble Marquess had supposed that a great deal of misery might be prevented by the adoption of proper sanatory measures. He (the Duke of Buccleuch) should not go through the instances of neglect, and culpable neglect, which were exhibited upon this point; but as the noble Marquess had blamed the Government for delay in appointing a Commission, and in introducing sanatory measures; and had made some strong remarks on the "inexcusable delay" of the Government, he (the Duke of Buccleuch) felt it necessary to call the attention of their Lordships shortly to the history of this question. The first time their Lordships' attention had been called to the subject was in the Appendix to the Report of the Poor Law Commissioners in 1838. He did not find that anything had been done in consequence of that Report. At the next Report of the Commissioners nothing was done. In 1839 a right rev. Prelate had brought the question under the consideration of their Lordships by moving an Address for an inquiry into the Sanatory State of the Population of London, which was carried. The subject was referred by Lord John Russell to the Poor Law Commissioners. In 1840, Mr. Slaney moved in the House of Commons for a Committee of Inquiry into the Sanatory State of the Country. That Committee examined witnesses and made a full Report, but nothing was done in that year. In January, 1841, the noble Marquess introduced a Drainage Bill. In 1841, the noble Lord presented these Bills at a time when the Poor Law Commissioners were carrying on their investigations, but before they had made any report. In 1842 the Bills passed their Lordships' House, but too late in the Session to be proceeded with in the other House. In July, 1842, the Report was presented, and excited great attention. It made known facts which startled many, and which met with a good deal of consideration from the Government; but the magnitude and importance of the subject, and the very great difficulties connected with it, determined them to refer the whole matter to a Commission comprising men of science, engineers, medical officers, and persons skilled in the construction and arrangements necessary for carrying out a complete system of drainage. The noble Marquess founded his complaint of the dilatoriness of the proceedings of the Commission upon the dates at which they appeared to have taken the evidence; and undoubtedly if the receiving evidence constituted the whole labour of the Commission, they would appear to have proceeded slowly—but their duties were much more comprehensive, and they worked as hard as any Commission that had ever been appointed. As to the reception of the evidence, instead of being a waste of time, he considered it to be of the greatest use, because it pointed out causes for the existence of the evils complained of, which had been previously adverted to. Their investigations had been most extensive and minute, and the result of their inquiries had brought to light many causes of a low state of public health which had not been previously adverted to. One of the chief points they had to investigate was, with respect to the present state of the law, and how far it was carried out. In many cases it was found that under the present state of the law a great deal more might be done than had yet been accomplished. For instance, if the sewerage of the metropolis had been attended to as it ought to have been for the last twenty or twenty-five years, the greatest public advantage would have been gained. Many parts of the town were admirably drained, while in others the sewerage was almost incredibly defective. A great mistake had prevailed as to the law relating to sewers, many parties having imagined that they had no power to make new sewers unless where an ancient sewer had previously existed. But it was not enough that there should be even good sewerage; a sewer might be constructed the whole length of a street, but without house drains very little good could be effected. There was another point with regard to the sanatory condition of the people, namely, a proper and ample supply of water to the dwellings of the poor. The supply of water to some parts of the metropolis and to many of the principal cities, was positively disgraceful to this country, and that was a very great evil. This was the more to be regretted when it was known, as the Commissioners had reported, that in the populous town of Nottingham, for example, a sufficient supply of good water might be had at the rate of 1*d*. per tenement. But the supply of water should not only be adequate to the necessities of the population, it must be sufficient to wash and clear the sewers and drains, or they would be nothing better than extended cesspools, which were already sufficiently numerous, and noxious in their influence especially within crowded localities. Great advantage had also been derived from the inquiries of the Commission with respect to the proper structure and arrangement of sewers and drains. The next point of importance to be considered in relation to the sanatory condition of the people in large towns, was the number of cellar dwellings. It was a curious fact, that the Commissioners in almost every town which they visited, brought to light evils of the existence of which the inhabitants had been totally ignorant, up to the time of the arrival of the Commissioners. In Liverpool it was stated, at a scientific meeting, that there were no less than 30,000 persons residing in cellars in that town. When this statement was made, the inhabitants scouted the idea of such a thing being possible, and they had the matter investigated by the police. It appeared, however, from that investigation, that there were about that number of persons actually residing in cellars in the town of Liverpool. A Bill was since passed with a view to preserving the Health, and regulating Dwellings, &c., in Liverpool; and amongst other things it provided, that after a certain time named in the Bill, all dwellers in cellars should be obliged to quit those dwellings, and seek residences elsewhere. Thus, on the 1st of July in this year, every one of those 30,000 persons ought to have left those cellar dwellings; but the law had been inoperative in consequence of there being no dwellings for those persons in case they all left their residences in cellars, as at least 20,000 of them would be without habitations. That was a great difficulty in dealing with the subject of cellar dwellings. It should be recollected that there were other causes which operated very powerfully in causing disease amongst the poorer classes, besides want of drainage. The immense crowding of large masses of people together in ill-ventilated dwellings was of itself a great cause of fever and other diseases which afflicted the poorer classes of the population in large towns. Indeed, it was stated on high medical authority, that not only was fever engendered by that crowding together of great numbers of people without sufficient ventilation, but scrofula, which was a very malignant disease, was created to an unusual extent by that overcrowding and want of ventilation. That overcrowding and the evils which resulted from it were not confined to the districts in the east end of the town alone, for there were districts very near their Lordships' House in which the inhabitants were extremely crowded, and in which all the evils of bad ventilation were endured. In Westminster, at a short distance from their Lordships' House, there were numerous dwellings, the occupants of which were crowded together in ill-ventilated rooms, calculated to engender disease. In the neighbourhood of Regent-street and Grosvenor-square, also, there were many dwellings of a similar character, and the evils which were entailed upon those who resided in them could not be exaggerated, for in addition to the overcrowding producing disease, it also was calculated to superinduce a moral degradation which it was painful to contemplate. The want of decency and injury to morals that were likely to arise from crowding numbers of persons of different sexes and closely allied in kindred in small rooms was painful in the extreme to contemplate, and he should not, therefore, attempt to describe to their Lordships the moral evils which accompanied this state of things in addition to its being a fertile cause of sickness and mortality. It was of great importance that all these facts should be publicly made known, for much might be done by individuals as well as by legislative measures in alleviating those evils. The result of having public attention directed to the subject would be that many valuable suggestions of a practical nature would be made, which suggestions might be afterwards introduced, if they were thought advantageous, in any measure introduced upon the subject. Great benefit would also be derived from the Report of the Commission by calling the attention of proprietors of houses and land in the neighbourhood of large towns to this subject, for much might be done by private individuals as well as by the Legislature. With respect to the health of the people of this country, as compared with others, their Lordships would find that the mortality was greater in many other countries; for instance, Dr. Griscom, in speaking of Philadelphia, says,

> "Half of those born there appear to die before the fifth year, and no less than 27 per cent. of the remainder die under fifty years of age, and the average age of death of all who

die there above twenty years of age, appears to be below forty-six years; whilst in Bethnal-green, one of the worst districts in London, it is nearly forty-nine years, and the average in London appears to be fifty-three years."

One great objection to the adoption of measures for improving the sanatory condition of towns appeared to be a dread of the expense attending upon such measures; but the advantage of taking proper measures to secure ventilation and a proper supply of water were so great and evident that there could be no question of the fact. Indeed the recommendations on the subject of a supply of water, which had been made by the scientific and professional gentlemen, were of the greatest value, and had received great attention, not only here but on the Continent, particularly in Hamburg, where the recommendations as to the arrangement of sewers and the supply of water had been of very great importance and advantage. The adoption of a general plan and principle of drainage in the large towns in this country had been very much neglected; in each place the drainage was generally only intended for that particular spot instead of being part of a well-considered plan, and if such a plan had been laid out and acted upon, an immense sum of money would have been saved, or the sums which had been laid out in drainage would have been capable of producing an infinitely more extensive system. In the eastern part of London particularly, complaints had been made that the sewers were not large enough, and they did not admit the full quantity of water which was required to flow through them, the result being that it flooded back, instead of being carried away. The cause of that was the fact of the sewers having been originally intended for small portions of those districts, and consequently, when the number of dwellings had greatly increased, they were not of sufficient capacity to drain them. The proper way in which to construct sewers would be to commence by a survey for the purpose; and he was glad to perceive that the Ordnance survey would be of great use for sanatory purposes in many large towns. There were many points in the Appendix to the Report of the Commissioners, which were all deserving of attention. It appeared from the evidence of several medical men, that an enormous amount of mortality took place amongst the infants in manufacturing towns. That mortality was greatly increased, not alone by bad ventilation and unhealthy atmosphere, but a great portion of the deaths arose from a cause which was revolting to our feelings, namely, the inordinate use of opiates, immense quantities of which were administered to infants in manufacturing towns—quantities so extraordinary in amount that it would hardly be credited. The mothers, as soon after the birth of their children as possible, returned to their ordinary work, leaving their children to the care of others who were very poorly paid for attending to them, and it thus happened that a dozen children were left under the care of one old woman, of perhaps seventy years of age, who would require to be taken care of herself, or of children of ten or twelve years of age, who took no heed of them. When children were thus left by the mothers, the first thing which those who had the care of them did in the morning was, the administration of a drug called "infant's quiet." It was given again to them at dinner time, and a double quantity was given to them at bed-time. The effect of this was most injurious to the child's health, to such an extent that medical men going into a school where children of that class attended, could immediately point out which of them had suffered from that drug. Another point to which attention was directed in the Appendix, was ventilation; but there was considerable difficulty in getting the poor to ventilate their rooms. With regard to ventilation, it was a very fit subject for the attention of the owners of the habitations of the lower classes: but then there was great difficulty in persuading those classes to use it to a greater extent. The rooms were often so crowded, that although a person at one end of a room might wish the window open, another might object to it. He did not see how it was possible for the Legislature to provide a remedy in such a case as that, or to insist that in all houses of every or any description there must be a certain amount of ventilation. He could not agree to the proposal of the noble Marquess for an Address to the Crown. He did not think that an Address was called for at the present moment, or that any more good could be expected from it than they were likely to derive without it. Indeed, it appeared to him that the noble Lord's Motion was more characterized by a desire to cast censure on the Government for the alleged delay, than by a wish for immediate legislative interference. He did not mean, however, to say that the House did not feel an interest in the subject, and that they were not anxious that such a measure should be brought forward—he would be the last man to say that, for he was anxious, deeply anxious, that a measure should be brought forward for the improvement of the sanatory condition of the people, and passed as soon as possible. They should, however, consider what a great difference there was between passing a measure which would be capable of effecting the object for which it was brought forward, and passing hastily a crude half-digested measure which would fail when they attempted to put it in execution. They had already seen the consequences of passing such a measure as the latter; they had seen a measure passed with relation to a particular town inoperative in consequence of the condition of the population of that town. Now, with regard to the intentions of the Government on this subject he could state that the Commission to which he had the honour to belong was busily engaged with the voluminous papers which were laid before them, papers of great intricacy, and embracing subjects which involved considerable difficulty; they were directing their best attention to the preparation of a Report, but they were not as yet so far advanced as to enable him to give to the House a description of what the Report was to contain. It would not profess to recommend measures to their Lordships, but it would call their attention to the evidence which had been laid before them, and direct attention particularly to those parts which were of the greatest importance. The Report was not yet ready, but he expected in due course of time—he hoped the noble Marquess would not be alarmed by such a statement—that it would be furnished. He trusted that early next Session a measure would be laid before this or the other House of Parliament with regard to the sanatory condition of the people. It was impossible at this time to say what would be the nature of its provisions. It was a subject which required great consideration; but for the reasons he had assigned he could not agree to the Motion of the noble Marquess, and he should, therefore, move the previous question.

The Marquess of *Normanby* observed, in reply, that he thought his noble Friend had not succeeded in giving a satisfactory answer to his complaint of delay; in censuring the Government for which, he begged to assure his noble Friend that he had no party motive whatever. He was exceedingly glad he had extracted something in the shape of a specific promise from the noble Lord on the subject, and would not press his Motion to a division.

The Duke of *Wellington* said, that so far from this being a party question, he, when on the opposite benches, supported the measure of the noble Marquess. It was also strongly supported by his noble Friend, since appointed Governor General of India, to whom the noble Marquess expressed his obligation for the pains and attention he had bestowed upon it. His noble Friend at the head of the Commission which had been appointed by the Government, had informed them that the subject was not yet ripe for legislation. The valuable Report before them showed the real nature of the subject, and the enormous difficulties that were connected with it, and proved to him that the utmost attention ought to be paid to the whole question, in order successfully to apply a remedy. The questions contained in that Blue Book had been the subject of legislation in this country from the time of Henry VI. down to the present moment. It showed that there was not a proprietor of a house in this town who was not in some shape or other interested in the question of sewers, for instance, or whose property and life might not be affected by the measures to be adopted respecting them. The subject, therefore, was one which required the utmost care and attention, in order that any measure brought forward should be attended with beneficial results. The very matter of turning people out of their cellars could not be effected until other accommodation had been provided for them.

The Marquess of *Normanby* said, the Bill provided that persons should not be summarily turned out of cellars until after a certain period. Time was also to be allowed to enable parties to provide sufficient ventilation.

Motion negatived.

House adjourned.

HOUSE OF COMMONS,

Friday, July 26, 1844.

MINUTES.] NEW WRIT. — For Cirencester, *v.* Thomas Williams Chester Master, Esq., acc. Chiltern Hundreds.

BILLS. *Public.*—2°. Woods and Forests Accounts; Grand Canal (Ireland); South Sea Company; Customs (New South Wales); Clerks to Attorneys; Spirits (Ireland); Piecadilly Improvement; Fisheries (Ireland).

Reported.—Controverted Elections; Criminal Justice (Middlesex).

3°. and passed:—Poor Law Amendment; Turnpike Trusts (South Wales); Joint Stock Banks Regulation; Transfer of Licenses (Post Horses, Ireland); Grand Jury Presentments (Dublin); Consolidated Fuud (6,969,856*l.* 10*s.* 3*d.*).

Private.—1°. Lord Lovat's Estate; Gervis's Estate; Bishop of Down, Connor, and Dromore's Estate; Insolvent Debtors.

2°. Wilson's Estate; Passingham's Estate; Harris's Estate; Lady Le Despencer's Estate; Gape's Divorce; Bishop of London's Estate.

PETITIONS PRESENTED. By Mr. M. J. O'Connell (74 Petitions), from Ireland, for Repeal of the Union; and from Enniscorthy, against Renewal of Bank of Ireland Charter.—By Mr. T. Duncombe, from Ferns, and Mr. M. J. O'Connell, from Mayo, and Wexford, against Charitable Bequests Bill.—By Mr. T. Duncombe, from W. Coulson, for Redress.—By Captain Pechell, from M. Phillips, for Alteration of Law respecting Land.—By Mr. T. Duncombe, from C. Williams, for Alteration in the Poor Law; and from H. Craig, complaining of Opening Letters at the Post Office.—By Mr. E. Denison, from R. Goldhawk, respecting Rating of Tenements.—By Mr. T. Duncombe, fsom St. Luke's, Middlesex, for Remission of Sentence (State Trial, Ireland).

SAVINGS' BANKS.] On the question that the House go into Committee on the Savings' Banks Bill,

Mr. *Hume* complained that the present system of Savings' Banks was a departure from the original plan of making them available for the benefit of the poor exclusively. He also complained of a want of uniformity in the various banks as to the time of paying and the amount of dividends. According to the present system, should the Three per Cents. fall to 75 (a thing by no means improbable), the Government would lose 25 per cent. on every 100*l.* of those deposits. The fact was, the Chancellor of the Exchequer was legislating in ignorance of many of the abuses which had grown up in the present system. He would illustrate some of these. There were 562 banks. The Government allowed 3*l.* 16*s.* per cent. on deposits, but of these 562 only 87 allowed 3*l.* 8*s.* 7*d.*; 41 allowed from 3*l.* 6*s.* to 3*l.* 8*s.* 382 allowed no higher rate of interest than 3*l.* 6*s.* 8*d.*, and there were 52 banks which paid less than that amount. These were irregularities in the system which should not be allowed to remain. Another abuse was, that some banks did not allow interest on deposits being less than 30*s.*, and others did not allow it on sums of less than 20*s.*, while others again allowed it on deposits of 2*s.* 6*d.* All these were abuses which he contended we ought to avoid for the future. Having made these remarks he would not oppose the progress of the Bill.

Mr. *Darby* said, that he concurred in many of the observations of the hon. Gentleman, but there were many on which he differed from him. As to the question of expense, he thought, that under the system under which we were acting, it was impossible to avoid great inequalities of expense. He fully approved of the great caution with which the Chancellor of the Exchequer was acting in a measure of this kind.

The *Chancellor of the Exchequer* said, that the origin of Savings' Banks was not by the Government. They were established by benevolent individuals to encourage habits of economy and industry amongst the humbler classes in their neighbourhoods; and when the Government determined to legislate on the subject, it was with the view of giving greater encouragement to depositors by giving greater security for deposits. It was impossible to prevent some abuses, for many parties invested sums in those banks who were not intended to be brought within the provisions of the Bill. But the great remedy for that would be, not to allow interest much greater than the current rate of the market. As to the expense of these banks on the whole the public gained rather than lost by it, to the extent of many thousands a year.

Mr. *Labouchere* would give his cordial support to the principle of the Bill, and thought that the public, and particularly the depositors in these banks, were much indebted to the right hon. Gentleman the Chancellor of the Exchequer for the introduction of this measure. The only point for consideration was, whether they should allow 3*l.* interest to the smaller as well as the larger establishments, but that question would come on in the Committee.

House in Committee.

On the 1st Clause, that the sum to be allowed to Trustees of Savings' Banks should be 3*l.* 5*s.*

Sir *T. Acland* suggested that the allowance ought to be 3*l.* 6*s.* 8*d.*, which would give 3*l.* to depositors and 6*s.* 8*d.* for management, and all who were conversant with Savings' Banks would admit that that was not more than sufficient.

The *Chancellor of the Exchequer* defended the propriety of limiting the rate to the sum of 3*l.* 5*s.*, and expresssed his determination to adhere to it.

Mr. *Tufnell* would support the proposition of his hon. Friend the Member for North Devon, being convinced that no Savings' Banks establishment could be managed for so small a sum as 5*s.* per cent.

The Committee divided on the question that "3*l.* 5*s.*" stand part of the Clause:—Ayes 51; Noes 20: Majority 31.

List of the AYES.

Ainsworth, P.
Aldam, W.
Alford, Visct.
Archdall, Capt. M.
Arkwright, G.
Baring, hon. W. B.
Beresford, Major
Boldero, H. G.
Bowles, Ad.
Broadley, H.
Brotherton, J.
Chapman, A.
Clerk, Sir G.
Cole, hon. H. A.
Cripps, W.
Denison, E. B.
Eliot, Lord
Elphinstone, H.
Escott, B.
Forman, T. S.
Gaskell, J. Miles
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Henley, J. W.
Herbert, hon. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Hume, J.
Jermyn, Earl
Knatchbull, rt. hn. Sir E.
Lennox, Lord A.
Martin, C. W.
Meynell, Capt.
Nicholl, rt. hon. J.
Norreys, Lord
Peel, J.
Pringle, A.
Smith, rt. hn. T. B. C.
Sutton, hon. H. M.
Tennent, J. E.
Thornely, T.
Thornhill, G.
Trench, Sir F. W.
Trollope, Sir J.
Trotter, J.
Wall, C. B.
Wawn, J. T.
Wodehouse, E.
Wortley, hon. J. S.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Ackers, J.
Acland, Sir T. D.
Allix, J. P.
Arundel and Surrey, Earl of
Clive, Visct.
Colebrooke, Sir T. E.
Divett, E,
Duncan, G.
Duncombe, T.
Fox, S. L.
Harcourt, G. G.
Henniker, Lord
Kemble, H.
Labouchere, rt. hn. H.
Napier, Sir C.
Rendlesham, Lord
Rolleston, Col.
Stewart, P. M.
Wakley, T.
Yorke, hon. E. T.

TELLERS.
Hawes, B.
Tufnell, H.

Clause agreed to.

On Clause 2, the interest payable to depositors not to exceed 2*l.* 15*s*.

Mr. *Hume* proposed to leave out 2*l.* 15*s.* and insert not less than 2*l.* 18*s.* 4*d.*

The *Chancellor of the Exchequer* agreed with the hon. Member for Montorse, that 6*s.* 8*d.* was sufficient in the majority of cases to defray banking expenses, but it would not be so in all, and therefore he could not consent to his Amendments.

The Committee divided, on the question that the words "not exceed the rate of" be inserted:—Ayes 58; Noes 14: Majority 44.

List of the AYES.

Ackers, J.
Ackland, Sir T. D.
Adderley, C. B.
Allix, J. P.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Baring, hon. W. B.
Bateson, T.
Boldero, H. G.
Bowles, Adm.
Broadley, H.
Bruce, Lord E.
Chapman, A.
Clerk, Sir G.
Clive, Visct.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Corry, rt. hon. H.
Cripps, W.
Divett, E.
Eliot, Lord
Forman, T. S.
Fox, S. L.
Gaskell, J. Milnes
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hawes, B.
Herbert, hon. S.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houldsworth, T.
Howard, P. H.
Jermyn, Earl
Knatchbull, rt. hn. Sir E
Labouchere, rt. hn. H.
Lennox, Lord A.
Liddell, hn. H. T.
Mackinnon, W. A.
Martin, C. W.
Meynell, Captain
Nicholl, rt. hon. J.
O'Brien, A. S.
Packe, C. W.
Peel, J.
Pringle, A.
Rendlesham, Lord
Rushbrooke, Col.
Seymour, Sir H. B.
Sutton, hon. H.
Thornhill, G.
Trotter, J.
Wakley, T.
Wall, C. B.
Wodehouse, E.
Wortley, hn. J. S.
Yorke, hn. E. T.

TELLERS.
Young, J.
Baring, H.

List of the NOES.

Ainsworth, P.
Aldam, W.
Bouverie, hn. E. P.
Brotherton, J.
Childers, J. W.
Duncan, G.
Duncombe, T.
Elphinstone, H.
Escott, B.
Morris, D.
Napier, Sir C.
Thornely, T.
Tufnell, H.
Wawn, J. T.

TELLERS.
Hume, J.
Denison, B.

Clause agreed to.

House resumed. Bill to be reported.

POOR LAW.] Sir *J. Graham* moved the Order of the Day for the third reading of the Poor Law Amendment Bill.

Mr. *B. Cochrane* congratulated the House and the country, that notwithstanding the late period of the Session at which the present Bill had been introduced, and, notwithstanding the too plainly evinced disinclination of the Government to many of the alterations—improvements he must, in justice, style them—that had been made in the original measure, it had at length arrived at a stage when it was likely to pass into a law. He likewise had to express the satisfaction that he felt at witnessing the Amendments which had been proposed during its progress through the House, and which Amendments, though not carried, proved that a very strong objection existed to the operation of the Poor Law, and likewise that there were Members of that House who entertained those objections, and were ready to express their sentiments in that respect. He could not but assume, from what had passed during the discussion on the Bill, that the Government was not anxious to discuss the condition of the poor under the administration of the present law, and likewise that there were in the House no inconsiderable number of Members who were determined to discuss that subject, in spite of the sneers and taunts with which their attempts had been met, but which they had succeeded not only in disregarding, but in putting on one side altogether. He congratulated the country upon the fact that the amended Poor Law Bill, as modified by the present measure, afforded a very strong proof that the right hon. Baronet the Home Secretary took a very different view of the question from that which he had formerly avowed and acted upon. He accepted the present measure as a convincing proof that the right hon. Baronet was of opinion that the Poor Law did require, and would admit of, amendment, and that during a series of years there had been systematic bad (or mad) legislation in all that regarded the condition of the poor of this country. He congratulated the House and the country upon the admitted fact that the administration of the Poor Law by the Commissioners had differed most materially from the principle originally laid down as that upon which the Bill was founded. He accepted the definition that had been elicited from the right hon. Baronet the Home Secretary with respect to out-door relief and the separation of man and wife by the Motion of his hon. Friend the Member for Evesham, who had proved to the satisfaction of the House that the practice which had been hitherto pursued under the Poor Law was not justified by the principle of that measure, either with respect to out-door relief or the separation of man and wife. So also with regard to the confinement of lunatics in workhouses, the right hon. Baronet appeared not to be aware that they were shut up along with the paupers in workhouses, and had even appeared to be somewhat astonished when such was proved to be the practice. For all these grounds he hoped that the right hon. Baronet would now issue particular and positive instructions to the Poor Law Commissioners to carry out the Bill upon the principles which he had laid down in that House, and not to construe its provisions according to the views by which they had hitherto been guided. The population of the country was increasing, and with it pauperism must also increase; for the improvements in agricultural machinery as well as in manufactures decreased the demand for labour, and increased the numbers of those thrown out of employment. Some means ought to be devised for giving employment to the poor who were able and willing to work, even were that done at the expense of the nation. He had met in some fanciful writer with a passage suggesting the probability that those stupendous monuments of former ages, the Pyramids, had been built for the purpose of affording relief to the poor. Mr. Pitt and Mr. Canning had expressed opinions that, in legislating, the feelings and the passions of the people ought not only to be taken into consideration, but also their prejudices, and it would be wise in the Government to attend to the opinions of those statesmen. The condition of the poor at the present time was so serious that at the earliest period of the ensuing Session the Government must of necessity resume the consideration of the subject. The right hon. Baronet (Sir J. Graham) had expressed an opinion that when the lunatic paupers should be removed from the workhouses, and placed in separate receptacles, those establishments would be models of perfection in all that related to the economy of the poor. The right hon. Baronet, however, could not deny that with all this perfection the poor-rates were likely hereafter to be much higher than ever. He was not able even at present to show that a saving had ever been effected of more than 1,000,000*l.* by the operation of the Poor Law, and when the high degree of perfection to which he looked forward should be brought to bear—the expense of maintaining the different establishments for the poor would, he (Mr. Cochrane) was certain, not be less than it was before the present law came into operation. He hoped that after the next Session should have elapsed the country would have to congratulate itself upon the abolition of the New Poor Law altogether.

Mr. *Hume* begged to know who had rendered the poor dissatisfied with the operation of the present law, if it were not such persons as the hon. Member opposite? The hon. Member had asserted that improvements in agriculture injured the poor, and by such speeches the hon. Member fostered the ignorance and prejudices of the people. He had always sympathized with the poor, and with those who lived by their labour. The only fault that he had to find with respect to the New Poor Law was, that its provisions had never fully been carried out. When it was first introduced he had done his best to give the measure its full effect, so convinced was he of its necessity. At the same time he thought perfection was not to be looked for, and if abuses crept into the system it was the duty of Parliament to find them out, and correct them. But he would tell the hon. Member for Bridport that the constant attacks which he, and those who acted with him, had made upon the New Poor Law, and upon those who administered the law, were the principal causes of the dissatisfaction which that measure had excited.

Mr. *Hardy* said, that his Anti-Malthusian notions had always led him to believe there was too great an anxiety on the part of those who administered the Poor Law to save the purse of the public at the expense of the humbler and poorer classes, and he was glad to find that the present measure was about to modify the operation of the New Poor Law, both with respect to bastardy and out-door relief. He was convinced that both these modifications in the principle of the former Bill would be received with great satisfaction, and he was likewise certain that if the right hon. Baronet should hereafter find that other parts of the Poor Law worked harshly, he would be disposed to alter it in that respect. He therefore begged, most sincerely, to render his thanks to the right hon. Baronet for the improvements he had made in the Bill, and to express his hope that they would afford universal satisfaction.

Mr. *Borthwick* said, that before the hon. Member for Montrose got up in that House to censure the expressions of his hon. Friend (Mr. B. Cochrane) he would do well to be quite certain that he understood the meaning of those expressions. His hon. Friend, in speaking of the effects of the improvements in agriculture, had not referred to the mode of cultivating the soil, but to the increased facilities afforded by improvements in machinery, by which labour was saved. He cordially concurred in what had been said on both sides of the House, that the conduct of the right hon. Home Secretary had been actuated by the purest motives. It only remained to make the Bill work in the most effectual way for the benefit of those for whose good it was intended. It was not, he thought, generally understood that under the present law the Guardians had the power of granting out-door relief in cases of necessity, and many persons, in consequence, had refused to become guardians; but now they would no longer do so. This Bill was an improvement, but it was only a partial cure of the evils of the former one. The effect of it was to make the entire mass of the Poor Law, as it now stood, a compound of chymical antipathies, one part of it destroying another, and which would make it absolutely necessary to return to a better —and the right hon. Gentleman must pardon him for saying, an elder system.

Mr. *Wakley* hoped that the right hon. Gentleman would not be discouraged by any opposition to this Bill from introducing another in the next Session, if it should be found that the public demanded it. There certainly had been some difficulties thrown in the way of the Government, but they had no right to complain of unfair opposition. The Government had delayed the measure until the latter part of the Session, and it was no fault of the independent Members of that House that they had not pushed it forward. He regretted that the hon. Member for Bridport had thrown out such remarks on machinery. It was the most erroneous opinion that ever entered the mind of man, for machinery had created a demand for labour to a most enormous extent; and if it was not for that, there could be no peace in England. The question of regulating machinery was a gigantic one that required to be dealt with by well experienced hands. If it was thoughtlessly or heedlessly touched, it might throw millions into distress. The hon. Member for Bridport said that the Poor Law could not stand. Did he mean the law of 1834? The principle of that law was virtually gone—that law was no longer in operation. The principle of it was the workhouse test; but the right hon. Gentleman told them that in seven cases out of eight relief was not given in the workhouse, so that in point of fact, the principle of that law was at an end. His hon. Friend the Member for Montrose said he stuck to that law. He was sure that it stuck to his hon. Friend. It had a most extraordinary power of adhesiveness, for had it not been for that law, he should at that moment have been addressing his hon. Friend as the hon. Member for Middlesex. It was through his support of the law that his hon. Friend had lost his election for the county. He believed that the law had been productive of very great disadvantage in one respect. Doctrines had been circulated in that and the other House to the effect that there ought to be no Poor Law at all—they came from high quarters, from persons influential, and endowed with great understanding and knowledge. Such pernicious principles promulgated in those assemblies had worked their way into the feelings of a large portion of the people of this country, and he was afraid they who had to administer this law felt those principles most strongly. It was clear to him that the poor did need protection, and he trusted that they would find it in the Poor Law Commissioners. He had already said it was his conviction that the principles promulgated in that House, and the declarations which had been made of the evils that had arisen out of the Poor Law, had been carried throughout the remotest parts of the kingdom, and had operated to the prejudice of the law in the minds of a vast number of ratepayers. The elective members of the Boards, he was told, were the most stringent Members who sat there. That some unfortunate feeling had arisen in the minds of the ratepayers as to the manner in which relief was administered, and the extent of relief, was quite clear; and he wished to call attention to what the Commissioners had been obliged to do owing to the stringent manner in which the Guardians were disposed to fix the salaries of the officers of the Union, and especially of the medical men. Seeing the difficult circumstances in which they were placed as to the fixing the salaries of the medical men, the Commissioners had done one of the most curious things he had ever heard of. He had in his hand an order that was issued by the Poor Law Commissioners in 1842, and what did he find? He had often heard of "no cure, no pay;" but with reference to medical men, the Guardians had been so niggardly and stingy that the Commissioners, in order to give the medical men some emolument equivalent or approaching to their services, had thought fit, at the recommendation of some one, to order extra pay in particular cases—for what? For curing persons after being most dangerously afflicted with disease? For preserving the limbs of the human body? No. But for amputation. For cutting off a leg, *5l.*; for cutting off an arm, *5l.*; a hand or foot, *5l.* each. Now, amputation was one of the most simple operations in surgery—it took only a few minutes, and required that the surgeon should only see the person two or three times after the operation. But suppose it was a serious bruise threatening the loss of a limb, requiring constant care to keep down inflammation and mortification, to save the limb—suppose that happened in the case of the father of a family dependant on him for support,—that the surgeon attended every day for weeks or months, at the end of his labour what was he to have? Not one farthing! Was there ever anything so preposterous? Would any hon. Gentleman in that House propose such a scheme even for his cattle? Did not that show that something was passing in the public mind with regard to the poor—that there was an undercurrent at work of a most dangerous character?—and he was afraid that the source of it had been in that House, from the doctrines promulgated there. The Guardians were withholding pay from the medical men in the most cruel manner, but he was bound to say that the latter found protection in the Commistioners. He would not detain the House further than to congratulate them on the improvement which this Bill would make in the existing law.

Mr. *Escott* believed it was difficult to say whether the law, taken as a whole, had done more harm than good. He knew Unions where it had been productive of the greatest benefit, had reclaimed the idle and dissolute, and made them comparatively honest and industrious, and where the Poor Rates had been considerably reduced; but he knew other Unions where it had effected no such reduction, had made the ratepayers as well as the poor dissatisfied, and in which no impartial persons could be found to speak in its favour. But it was said that if they looked to the interests of the ratepayers it must have done good, because there had been a considerable reduction in the rates since this law was passed. It was his impression that that did not so much arise from the alteration in the law as from the improved state of knowledge on such subjects, and which, under a better administration of the old law, would have produced a still better result. He must congratulate the right hon. Gentleman for the alterations he had introduced, and especially on the admirable and successful manner in which he had introduced what he hoped would prove a most useful scheme of education. After the defeat of his scheme of last year, it was one of the happiest things that he had been able to introduce a measure to which there had been no opposition in that respect, and which would effect as much as the educational clauses in the Factory Bill of last year without one-tenth of the evils those Clauses would have inflicted. The hon. Member for Finsbury had, he thought, confounded the two operations of the law as to out-door relief, and it was important that they should be kept distinct. The hon. Member said that two justices had the power of granting out-door relief to old persons. He could satisfy the hon. Member for Finsbury that that power did exist with the Guardians previously to the issuing of the prohibitory order of the Poor Law Commissioners; but the Commissioners had published an exception to that prohibitory order, and that exception comprised all cases of sudden or urgent emergency. The Guardians were the sole judges of what were such cases, and therefore, under that exception, they did at the present moment possess the power of granting relief in them. It had been said in the course of these debates, that the operation of this law had been the cause of some of those calamitous events which had lately taken place in some counties more than others, and particularly Norfolk and Suffolk—that the peasantry goaded into madness by the operation of this law had destroyed the property of their employers out of spite, because they carried the law into operation. He could not believe any such thing. He could not believe that there were in this country any part of the peasantry operated upon by any such feelings; and he must appeal to hon. Members in that House who knew something of the labouring classes for the refutation of such a charge. They knew well enough, and so did the poor, that the lot of labour was the lot of the many, and the lot of ease that of the few, and that attempts of such a kind as he had referred to would only increase the sufferings of the poor. He trusted, however, that whatever was done, the law would be found strong enough to vindicate the rights of property. The hon. Member for Bridport said he believed the time would come when the law must be altered. His own conviction was, that they would never have an economical and satisfactory administration of the Poor Laws till they adopted either parochial divisions of the country for the purposes of relief, or greatly circumscribed the extent of the Unions. In a debate on the Poor Law Bill, on the 24th of July, 1834, the Duke of Welling said in answer to a noble Lord who had been arguing against the Bill—

> "His noble and learned Friend misunderstood the Bill, and the nature of the evil which it was intended to correct. His noble Friend talked of the Magistrate's administration of the Poor Laws; now, the Magistrates did not administer the law—the overseers were intrusted with the administration. It was true the Magistrates had interfered with the overseers, and one of the objects of the Bill was to bring the law back from the hands of the Magistrates, and replace it in those of the overseers, according to the old system. There was nothing for it but a measure of this kind to bring the administration of the law back to the old system; and when that should be effected, no one would be more happy to see the plan abandoned than he should."

He repudiated, as far as he was concerned, the charge which had been made by the hon. Member for Montrose against some hon. Gentleman on that side of the House, that they agitated against this law, on the contrary, while this law continued in existence, he was anxious to do all in his power to promote its efficient administration.

Captain *Pechell* said, that in accordance with the promise he had given last night, he did not intend to offer any opposition to the third reading of this Bill; and indeed he would not have risen but for some observations which had been made by the right hon. Baronet opposite, which would give pain to some of his constituents. The right hon. Gentleman had stated that it appeared the inhabitants of Brighton were not quite unanimous in their opposition to the interference of the Poor Law Commissioners; and the right hon. Baronet had mentioned the name of a gentleman who, at a meeting which he said was very thinly attended, had complained that some irregular expenditure had taken place in that parish. The right hon. Gentleman evidently wished to impress upon the House that the circumstance of this meeting being thinly attended afforded proof that the people of Brighton felt little interest in the subject. That meeting, he begged to say, was a meeting of the vestry, not a public meeting. It was a meeting called by a Committee of the Board of Guardians, which had been deputed to watch the proceedings with reference to the present Bill. It was not a matter of surprise that there might be some discontented or dissatisfied person present at that meeting; for, in a population of 50,000, there could scacely fail to be some discontented persons. But he believed that if the right hon. Baronet would submit this question to a public meeting of the inhabitants of Brighton, duly convened by the high constable, he would find that the whole of the clergy of that town, the whole body of the Magistrates, and the bulk of the population, consisting of nearly 50,000 persons, were decidedly hostile to any interference on the part of the Poor Law Commissioners. He would now take leave of this measure; and he hoped that no hon. Gentleman would think it necessary to divide the House upon this, its last stage. He must add, that throughout the proceedings in connection with this Bill the right hon. Baronet (Sir J. Graham) had acted with the greatest courtesy. On the whole, he considered that this Bill effected great improvements in the existing law.

Mr. *G. Bankes* fully agreed in the sentiments that had been expressed by the hon. Member for Finsbury on the subject of medical relief for the poor; and he feared that under the present system the medical relief extended to them was by no means adequate to their wants. In many cases, he believed, this deficiency was attributable to one of the evils of the existing system, to which the attention of the House had been called in the course of these debates, but for which no adequate remedy was provided in this Bill—the unreasonably large extent of many of the unions, which rendered it impossible for the medical practitioners to bestow adequate attention upon the poor. When the districts were so extensive it was impossible for a medical gentleman, even if he devoted his whole time to that object, to bestow due attention upon his patients; and some cases had come within his (Mr. Bankes's) own knowledge in which the poor had been exposed to great suffering from this cause. It was undoubtedly true, as had been stated tonight, that when the New Poor Law was first introduced the distinct understanding was that it should be a measure of voluntary adoption, and that it should not be pressed upon reluctant parishes. Those who expected the result of that measure would be to lead to a saving of money had—so far at least as that part of the country with which he was best acquainted was concerned—been grievously disappointed. But he thought this was a matter unworthy of a moment's consideration, if it could be shown that this system, though not less expensive than the preceding, was more beneficial in operation. There was, undoubtedly a strong feeling of jealousy entertained throughout the country as to the expense connected with working the machinery of this system; and he hoped it would be found practicable to reduce that expense to a very considerable extent. He believed this Bill effected considerable improvement in the existing law, and he would therefore give it his support.

Mr. *Barnard* hoped the right hon. Baronet would take into consideration the observations of the hon. Member for Finsbury with reference to the 27th Clause, as to the power of Magistrates to grant relief. The right hon. Baronet had told him (Mr. Barnard), when he before called attention to this subject, that he might, if he pleased, bring up a Clause; but at the railway speed at which they had proceeded with this Bill that was quite impossible.

Sir *J. Graham* had frequently found it necessary in the discharge of his duty, to address the House during the progress of this Bill through its various stages; and on this occasion, therefore, as no division was to take place, he should not feel justified in occupying their time. He was, however, most unwilling that it should for a moment be supposed that he appeared to treat the observations of the hon. Gentlemen who had addressed the House with anything like disrespect: and he must, therefore, trespass upon their attention for a few moments. The hon. Member for Finsbury (Mr. Wakley) had referred with his accustomed force and ability, to the subject of medical relief. The rules to which that hon. Member had alluded were certainly framed by the Commissioners with an anxious desire to secure to the medical practitioners connected with the unions some more adequate remuneration for their services than the allowance which had been made to them under a system which he reprobated, and which was now generally discontinued—that of tender. He did not mean to say that the existing regulations were the best possible regulations that could be adopted; but he begged to inform the hon. Member for Finsbury that the whole question of medical relief was now under the consideration of a Committee of that House, over which the noble Lord the Member for Dorsetshire (Lord Ashley) presided. The Report of that Committee had not yet been presented; but it would be open to the House and to the Government to consider this question when that Report was laid before them. The hon. Member for Montrose (Mr. Hume), who was not now in his place, had alluded to a reference which he (Sir J. Graham) had made on a former occasion to an individual whose name had been mentioned by the hon. Gentleman. As that Gentleman's name had been mentioned, he (Sir J. Graham) was bound to say he had been a most laborious public servant,—one who had been indefatigable in the discharge of his duties, and who had on many occasions rendered important services to the country by the valuable researches he had made, and by the able manner in which he had laid before the public the result of his inquiries. He thought it was unnecessary for him to dwell more at length upon the various topics which had been introduced during this discussion. He must, however, express his regret that any observations of his had given pain to the hon. and gallant Member for Brighton (Captain Pechell). That hon. Gentleman had said, that the feeling of the clergy, gentry, and shopkeepers of Brighton was unanimously opposed to the interference of the Commissioners; but, however that might be, he (Sir J. Graham) must say that the hon. and gallant Member had, during the progress of this measure, most ably and perseveringly advocated the views of his constituents. Some allusion had been made to the opposition which this Bill had had to encounter. For himself personally, however, he thought it his duty to thank the House for the indulgent favour with which they had regarded his imperfect efforts to conduct this Bill; and he begged to tender his most grateful thanks to every hon. Member who had opposed this Bill, for the conciliatory spirit in which that opposition had been conducted, and for the great courtesy which had been manifested to himself. He entertained a sanguine belief that this measure would tend to ameliorate, very considerably, the provisions of the existing law. With respect to the Bastardy Clause, he had stated that the Government would be bound by the decision of the House, whatever that might be; and the Clause, of course, now retained that shape which had received the sanction of a majority of the Committee. The test of experience must, however, be applied to the measure; and if this Clause should not be found to operate beneficially, he would be ready to consider any suggestions for its improvement. He did not see the hon. Member for Bridport (Mr. B. Cochrane) in his place; but with reference to some observations made by that hon. Gentleman on a late occasion, he might express a hope that the union of young England with old England would not be limited to any particular locality,—that it would not be confined within these walls, but that when they met again in the next Session of Parliament their union would prove to be strongly cemented whenever a party division including the fate of the Government, might be attempted.

Bill read a third time — Amendment made: Bill passed.

House adjourned at a quarter past nine.

HOUSE OF LORDS,

Monday, July 29, 1844.

MINUTES.] BILLS. *Public.*—1ª· Criminal Justice (Middlesex); Controverted Elections.

2ª· Grand Jury Presentments (Dublin); Joint Stock Companies Registration and Regulation; Clerk of the Crown in Chancery; Duchy of Cornwall Assessionable Manors; Duchy of Cornwall Lands; Turnpike Trusts (South Wales); Transfer of Licenses (Post Horses); Metropolis Buildings; Church Endowment; Ecclesiastical Jurisdictions.

Reported.—Three-and-a-Half per Cents. Dissentients.

3a. and passed:—Debtors and Creditors; Transfer of Property; Party Processions (Ireland).

Received the Royal Assent.—Assessed Taxes Compositions, etc.; Copyhold and Customary Tenure Acts Amendment; Soap Allowances; District Courts and Prisons; Marriages Celebration; Sudbury Disfranchisement; Actions for Gaming Discontinuance; Lecturers and Parish Clerks Regulation; Parish Constables; Butter and Cheese; Loan Societies; Western Australia; Colonial Postage; Linen, etc. Manufactures (Ireland).

Private.—2a. London and Croydon Railway; Lord Cranstoun's Estate.

Reported.—Marton's Estate; Great Southern and Western Railway (Ireland).

3a. and passed:—Ayr Bridge; Monkland Railways (Wishaw and Coltness Railway); Kingston-upon-Hull Docks; Land Tax Commissioners Names.

Received the Royal Assent.—Gaspé Fishery and Coal Mining Company; Brighton, Lewes, and Hastings Railway; Croydon and Epsom Railway; Wells Harbour and Quay; Wells Lighting and Improvement; London Gas Light Company; Mariners and General Life Assurance; Sir J. J. R. Mackenzie's (Scatwell) Estate; Mackenzie's (Seaforth) Estate; Archbutt's Divorce.

PETITIONS PRESENTED. From Stinchcombe, for Protection to Agriculture.—From Galway (Ireland), for the adoption of Measures to remedy the evil of Absenteeism.—From Patrick O'Malley, for Revision of the Law relating to Landlord and Tenants (Ireland).—From Stewkley, against any further Grant to Maynooth.

METROPOLIS BUILDINGS BILL.] The Duke of *Buccleuch* moved the second reading of this Bill. The principle of the Bill had been already assented to by the House in a former Session. It was rendered necessary by the imperfection of the Act of 1776, which was now in force, but which was quite inadequate to carry out its own enactments. In some cases its provisions were too harshly and oppressively enforced, and in others they were too much relaxed. The present Bill provided for the proper width of streets, alleys, and courts, for the secure building of houses, for the construction of drains for every house, for ventilation, the height of rooms, and the spaces between the rear of houses. It provided also against the occupation of apartments as dwellings in the metropolis unfit for human habitation. All surveyors under this Act would be required to pass an examination as to their qualifications. This was a very desirable provision, for, under the existing system, persons were appointed who, however respectable in other respects, were wholly ignorant of the business of a surveyor. It was proposed to appoint, with salaries, certain official referees, who should determine all disputes under the Act. There would also be a registrar, to whom the surveyors would be required to report their proceedings once a month. Under the present system it frequently occurred that the surveyor was also a builder, and it was obvious that persons having houses to build within his district had a strong inducement to employ him as their builder. This Bill required that when a surveyor was employed to build houses in his own district, the official referee should appoint another surveyor to survey such buildings. Again, the Act now in force was very unequal in the extent of its application. For instance, part of Chelsea was included, and the whole of Kensington was excluded from it. He thought that the present Bill would best be discussed in Committee, and all he would now say was, that it would introduce great uniformity into the law, and would be simple and intelligible, and in many respects less stringent than the present law. He trusted their Lordships would allow the Bill to be read a second time, and he should be most anxious to consider any objections which might be urged in Committee.

Lord *Campbell* was sorry to be compelled to oppose the second reading of this Bill. He gave credit to the Government in preparing this Bill for their desire to do what was right in remedying the defects of the present law; but it appeared to him that they had in this respect failed. Then, again, it was impossible to consider so voluminous a Bill at that late period of the Session. The Bill, which contained no less than 118 Clauses, 12 schedules, describing twenty separate forms of notice, and 107 folios, had come up from the Commons only on the 22nd instant. It was as long as the Code Napoleon; and was it to be expected that their Lordships should sit down night and day to examine such a measure at this season, to the entire neglect of everything else. The noble Duke said—"let the Bill go into Committee." But how long would it take to consider these 118 Clauses in Committee? Unless the Committee were a mere farce, it would occupy their Lordships five or six weeks. Their Lordships would scarcely believe that this Bill, which was brought up from the Commons on the 22nd of July, and which they were asked now to go into, affected property within the Bills of Mortality to the extent of many millions. As far as he had had an opportunity of examining the Bill, he found it most imperfect, and in many respects objectionable. He did not mean to say there was no want of legislation as to drainage and ventilation. On the contrary, he admitted that it was of the last importance that the attention of the Legislature should be directed to these subjects, but the provisions of this Bill in this respect were as nothing at all, and could only have effect when the question was taken up in a more comprehensive manner. As to the principle of the Bill, if the principle of the Bill was to be understood by its machinery, he entirely disapproved of it, though he agreed that it was necessary to legislate to protect the public against fire and nuisance. The legislature had a right to interfere with private property when that interference was necessary for the public interest, but not beyond that — to that extent he conceded the principle of the Bill; but if the noble Duke meant by the principle of his measure the machinery by which he proposed to effect his object, he (Lord Campbell) entirely disapproved of it. The Bill proposed to appoint a registrar and three official referees, with salaries of 1,000*l.* a-year, to be paid out of the county rates, instead of by those who would benefit by their services. The principle of the old Act of Sir R. Taylor, that they should interfere only for the public good, was altogether departed from, for they found in this Bill an immense number of regulations, interfering with private property in the most wanton manner, and without any reference to the public good. Then the official referees were to have a dispensing power, a power which had been taken out of the hands of the Crown, to withhold the operation of a prohibitory law, and to say *non obstat.* They were to have the power of enforcing or waiving at their discretion the operation of the 118 Clauses of which this Bill consisted. It was quite clear that there would not be time to discuss the Bill adequately, and he should, therefore, move as an Amendment, that the Bill be read a second time that day three months.

The Earl of *Cadogan* thought it would be more advisable to postpone the Bill till another Session.

The Earl of *Besborough* remarked, that the Bill had evidently been prepared with great care, and it would be most unfair to reject it on the second reading.

Lord *Kinnaird* supported the Amendment. Though he approved of many of its provisions, he thought it would be much better to defer the consideration of the Bill till next Session. With regard to the proviso which prevented cellars and apartments without chimneys being used as dwellings, he found they would have the same difficulty which had been experienced in Liverpool—when the Act in reference to that town, containing a similar provision, was passed, it was found that no less than 30,000 persons would have to be provided with other habitations, and as this was impossible, the Act had, in point of fact, become inoperative.

The Marquess of *Salisbury* admitted the Bill to be beneficial in its object, but hoped this Bill would not pass into a law this Session. Let them make it as perfect as they could, with the understanding that it should not proceed further.

Lord *Campbell* said, if the noble Duke did not intimate his intention to withdraw the Bill, after it had passed through Committee, then he should press his Motion to a division.

The Earl of *Wicklow* thought the House could not enter into such an arrangement as was proposed by the noble and learned Lord. He wished that the Bill should be read a second time, and then let them proceed as far as they could in Committee. They did not know how long the Parliament might sit. The lateness of the Session was not an objection to the Bill, and while there was business it was their Lordships' duty to perform it.

Lord *Cottenham* remarked, that the noble Lord on the Woolsack had, when he sat on the opposition benches, frequently objected to the Bills of the late Ministers on the ground of the late period of the Session at which they were presented to that House. It was a most important Bill, affecting great interests, and involving, not only large masses of property, but great numbers of the population, so difficult and important, so contradictory in some respects were the provisions of the Bill, that it was quite impossible at so late a period of the Session to give it that consideration which was indispensable. In passing the second reading, they were sanctioning the principle, not the mere form, in which an object could be carried into effect. Could they in two days master the details alone of this Bill? Was it fair that the House of Commons should have to consider this from the month of May till July, and now at the latter end of July that the Lords should be called upon to determine upon its merits? It was plain, if their Lordships now passed the Bill, they must take it on the credit of the Woods and Forests. That they must do if they now passed the Bill. They could not exercise their judgment.

The Duke of *Buccleuch* replied and maintained that, as the objections of noble Lords opposite applied rather to some of the details than to the principle of the measure, the House might very properly vote for the second reading. It was quite absurd to say that an exception was presented by the possibility of their Lordships not having made themselves minutely acquainted with all the details. Was it not perfectly notorious that ninety-nine out of one hundred noble Peers were never in the habit of looking at a Bill until long after it was placed on the Table of the House? The objections made to the details did not appear to him so strong as to prevent his asking their Lordships to go into Committee. He would therefore ask them to commit the Bill. It was an important and useful measure, and the principle was only that of a measure which had already been in existence for seven years. Any necessary Amendments might be introduced in Committee, when the measure he did believe would be satisfactory, not only inside but outside the walls of Parliament, and would be further useful as laying the foundation for future measures.

On Question, that "now" stand part of the Motion:—Contents 31; Non-Contents 8; Majority 23.

Bill read a second time.

House adjourned.

HOUSE OF COMMONS,

Monday, July 29, 1844.

Minutes.] Bills. *Public.*—1°. Corn, etc. Markets (Ireland).

2°. Art Unions; Charitable Donations and Bequests (Ireland).

Reported.—Books and Engravings; Customs (New South Wales); Slaughtering Horses; Protection of Purchasers, etc. (Ireland); Courts of Common Law Process; Courts of Common Law Process (Ireland); Marriages (Ireland); Savings' Banks; Militia Pay; Privy Council.

3°. and passed:—Criminal Justice (Middlesex); Controverted Elections.

Private.—Reported.—Ramsden's Estate; Tralee Navigation and Harbour; Piccadilly Improvement; Monkland Railways (No. 2, re-committed).

3°. and passed:—Willenhall Chapel Estate; Hitchins' (or Peach's) Estate.

Petitions Presented. By Mr. Shaw, from Cork, and Waterford Counties, in favour of the Education System.—By Mr. P. Stewart, from Glasgow, in favour of Art Unions Bill.—By Mr. M. J. O'Connell, from Ireland (2), and Mr. Ross, from P. McIver, against Charitable Bequests Bill.—By Mr. Hume, from Arbroath Railway Company, for Alteration of Railways Bill.—By Mr. Hume, from R. Robison, for Government price for his Land.—By Mr. Fellowes, from Eye, for Alteration of Savings' Banks Bill.—By Mr. Mackinnon, from Glasgow, for re-consideration of Smoke Prevention Bill.

Merchant Seamen.] On the Question that the Speaker leave the Chair, for the House to go into a Committee on the Merchant Seamen's Bill.

Mr. *Forster* objected to the Motion. The Bill was, in his opinion, improperly pressed forward at that period of the Session. It was an attempt to navigate ships by Act of Parliament—and an improper interference between masters and men. He hoped the Bill would not be persevered in during the present Session.

Mr. *H. Hinde* said, he did not feel such strong objections to the Bill as the hon. Gentleman opposite, but he must say he regretted, with him, that it was brought forward at so late a period.

Mr. *S. Herbert* said, he had had many communications with shipowners in reference to this Bill; and out of three alterations, which were all that had been suggested, two had been adopted. He believed the measure was a most useful one, and would confer great benefit both on masters and seamen. Most of the provisions had been suggested by his right hon. Friend (Sir J. Graham) at a former period; but they were not proposed because at that time the greatest prejudice existed against any interference. The Government felt it their duty to proceed with the Bill this Session.

Mr. *Hutt* certainly wished that the Bill had been brought forward at an earlier period of the Session, but he would rather it was proceeded with this Session than postponed until the next.

Sir *C. Napier* said, that the Bill was a most important measure, both for masters and seamen, and he thought the country at large was greatly indebted to the Government for bringing it forward. He believed this Bill would do much to put an end to the impositions which were practised by crimps upon sailors.

Mr. *Hume* said, the Government had no doubt full power to pass any measure they pleased, but the question was, whether it was prudent to interfere in this manner at the present time? In his opinion it was not.

Sir *J. Graham* said, there was nothing new in the provisions of this Bill. All its leading provisions had formed the subject of discussion for months between the Admiralty and the shipowners, and he believed the latter were generally in favour of the measure before the House.

Sir *M. O'Ferrall* supported the Bill. He described the beneficial effects of the sailors' homes, and recommended their establishment in all seaport towns, and threw it out for the consideration of the Government whether they could not establish a system between the masters of vessels and sailors' homes for the supply of the sailors with good clothing, in order to prevent their being robbed and defrauded by the persons called crimps.

Motion agreed to. Bill passed through the Committee. Bill to be reported.

CHARITABLE DONATIONS (IRELAND).] Sir *J. Graham* rose to move the second reading of the Charitable Donations and Bequests (Ireland) Bill, and he could state with sincerity that he had never proposed any measure to the House with greater personal satisfaction, or with a deeper confidence and persuasion that it was entitled to the adoption of Parliament. Perhaps he might be excused if he stated shortly the circumstances under which the Bill had come under consideration. Some time previously the hon. Member for Cheltenham had asked a question respecting a Bill which had been introduced into the other House of Parliament by the Lord Chancellor, and which had been much pressed on the Government during that and the previous Session of Parliament. That Bill had for its object the establishment of some Board or Commission, which should exercise jurisdiction over Charitable Bequests and Donations; and which should ensure to testators and donors the faithful execution of their charitable or pious intentions. He and his Colleagues had always admitted the necessity for some legislative measure of the kind in England; but the House was possibly aware, that with reference to Ireland, such a measure was not now for the first time proposed. At an early period in the reign of George III., the Irish Parliament did make provision with reference to this subject, and at the time of the Union the 40th George III. c. 70, was passed, continuing in force the useful provision of this Act. The preamble of that Act stated, that its object was to prevent concealment or misapplication of Charitable Bequests, and the Act itself authorised the appointment of a Commission with power to watch over every Charitable Bequest, and to see that it was disposed of according to the intentions of the donor. He was now about to bring under the consideration of the House a revision of this important Act which had endured for forty-four years. In the Act, as it now existed, there were, as he conceived, three principal defects. First, the constitution of the Board; next, a power of departing from the intentions of the testator or donor on the ground of expediency, thus carrying what lawyers called the *ci pris* doctrine further than it ever had been carried in England; and the third defect was, the absence of any power to endow with landed property in Ireland the priesthood of the Roman Catholic faith. The Board, as at present constituted, consisted of the Lord Chancellor of Ireland for the time being, the twelve Judges, the Judge of the Prerogative Court, the Provost of Trinity College, the Dean of St. Patrick's, the Vicar General of Dublin, and the incumbents of the several parishes in Dublin. At the time the Act passed, all the members of the Board were Protestants, but since the passing of the Relief Bill, some of the twelve Judges might, by possibility, be Roman Catholics. With that single exception, the exclusively Protestant character was still preserved. He had said he would call attention to the wide discretion given to the Board, and he would now do so. The Act at present in force, after reciting these functions, had these words:—

> "In case it be inexpedient, unlawful, or impracticable, to apply the same strictly, they may then apply it to such practicable and pious purpose as they shall judge most conformable to the directions of the donor."

In England the Commission was, in all cases, bound to find a channel approximating as nearly as possible to the intentions of the donors; but here the word "inexpedient" gave a very wide discretion, and it was the only instance, he believed, in which the word was similarly used. There was also in the Act a provision that five should be a quorum, with the addition that a Bishop of the Church of England should be one of the five. The last proviso of the Act of 1800 was, that the officer of the Court where wills were proved, should notify to the secretary of the Commission whenever a Charitable Bequest was contained in any will. Having stated the exclusive principles of the present Act, he would add, on what he believed to be the highest authority, that as much as three-fourths of the Charitable Bequests and Donations of Ireland, were contributed by Roman Catholics. The House would here permit him to notice another difference, which existed between the law of England and Ireland, relative to Charitable Bequests. The 9th Geo. II., which imposed a limit on the bequeathing of real property, and required that the deed conveying it for charitable or pious uses, should have been executed twelve months previous to the death of the donor, did not apply to Ireland. Neither did the doctrine of superstitious uses apply to Ireland—at least he had come to this conclusion after the most careful inquiry. Doubts on the subject might have existed previous to the passing of the Relief Act, but since that they had been removed. But this difficulty existed which was common to England, that any devise to a corporation, such as the Commission, for the benefit of a Roman Catholic Bishop or priest, and his successors, would be a violation of the Statute of Mortmain. Having now briefly stated the imperfections in the present law, first, as to the constitution of the Board, next, to its discretionary power with reference to expediency, and thirdly, the absence of any power to endow with lands, priests, or their successors, he wished to call the attention of the House to the Bill which had just come down from the Lords, which, as it appeared to him, removed all these defects. First, with regard to the composition of the Board: in the Bill as proposed by the Government, it was proposed that the Master of the Rolls, the Chief Baron of the Exchequer, and the Judge of the Prerogative Court should be *ex officio* members, one of the three to preside according to rank. Now, two out of those three might be Roman Catholics. It was then provided that the Crown should appoint ten Commissioners, five Protestants and five Roman Catholics; and the sixth section of the Act provided that all matters in which the doctrine, discipline, and constitution of the Church of Rome were concerned, should be referred to the Roman Catholic Members only. If a question should arise as to the state or condition of any person who should claim, under a deed or bequest which should have been brought before the Commission, special provision was made that the question of who was entitled should, if the claimant was a Roman Catholic, be decided by the Roman Catholics of the Commission only. A certificate was to be granted as to the status, which was to be conclusive. As to the second objection of too large a discretion, that would be removed by Clause 10, which limited the power of the Commission, and strictly enjoined the application of donations according to the intentions of the donor, carefully excluding that view of expediency to which he himself objected. As to the third objection, relative to the difficulties under the Statute of Mortmain, that would be removed by Clause 13; but there was an imperfection in that Clause as it now stood, owing to the accidental omission, in line six, of the words "for the time being." That omission he should propose to supply; and the effect of the insertion of those words, coupled with the general operation of the Clause, would be to remove a great objection, which had been stated to exist under the Law of Mortmain in Ireland, and, would enable piously-disposed parties to apply their real and personal property without limitation in amount, for upholding and maintaining residences and chapels for the Roman Catholic clergy, and for the support of the pastors of the Roman Catholic flocks for the time being. In the 14th Clause there was a limitation introduced for the first time, with reference to the power of willing or giving by deeds, lands, and property, within a very short time antecedent to the death of the testator. He had already said that this was a change in the law as it now stood in Ireland; but that change was common to all parties in Ireland, without distinction of religious creed, and was a question of general public policy, and as such quite open to discussion. He was certainly of opinion, that a more strict limitation, considering the interference that might be used with respect to dying persons or parties *in extremis*, was necessary. In the Clause that immediately followed, there was also a provision against waste and sub-letting of land; and there were other provisions of detail to which he anticipated no serious objections would be raised. Indeed, he could only anticipate one objection to this measure, as not satisfactory to his Roman Catholic fellow-subjects in Ireland, and that would arise from difficulties as to the peculiarity of ecclesiastical discipline, when the question to be decided might be whether the state of any person in holy orders could be submitted to any person not of the Roman Catholic creed. On this head he would observe, that the Crown must necessarily select persons as members of the Board, who would enjoy the confidence of the Roman Catholic body, whilst they were equally entitled to the confidence of the Crown. The Board certainly could not be properly constituted, if Roman Catholics were excluded from it; and that being the case, and this being the avowed intention of the Government, he did not think it politic to tie up the discretion of the responsible advisers of the Crown. It was notorious, that in cases of doubt and difficulty, reference must be had to the Courts of Equity, and the Court of the last appeal was that of the Lord Chancellor, who, by the Constitution, must be a Protestant. Therefore by the law, as it now stood, Protestants had a supreme control in these matters. He wished, therefore, the House to pass a provision for the appointment of this Board, one-half of the nominated members of which were to be Roman Catholics, and a certain proportion of whom, one at least, would be a Catholic ecclesiastic; and it was also clear, that the Chief Baron or the Master of the Rolls might be, and in the course of time probably would be, of the Roman Catholic persuasion also. He did not know that he should carry this matter further. On the part of himself and of his Colleagues he would merely say, that this measure was framed in the spirit of peace. With reference to the circumstances of Ireland, it was not possible to offer, even if it would be accepted, any endowment from the State; but it was most desirable that provision should be made by the voluntary piety of individuals, to add to the comfort, and to secure the independence of that body of pastors, who were the religious teachers of so large a portion of the population of Ireland. He tendered this measure as a peace-offering, and he hoped it would mitigate those jealousies and heart-burnings which prevailed in Ireland, and which had so great a tendency to divide the inhabitants of that unhappy country. He hoped it would be accepted in the spirit in which it was offered. He hoped nothing had fallen from him which had a tendency to disturb that spirit, and if so accepted, he trusted it would prove the foundation and corner-stone of that temple of peace to which his right hon. Friend the First Minister of the Crown had referred, as about to be laid, when, at no distant time, the Queen should visit her Irish dominions, and there, upon the Throne of her western isle, should in person, appeal to the affections and support of a generous, gallant, and still loyal people.

Mr. *M. O'Ferrall* concurred with the right hon. Baronet that the present law was defective, and required alteration and amendment. He believed that the right hon. Home Secretary, in the course of a debate on Ireland in February last, stated that it was the intention of the Government to introduce a Bill of this nature; but from that period up to the middle of July, no step was taken to bring the measure under the consideration of that House. He had done the right hon. Gentleman the credit of believing that, feeling the difficulties which encompassed this question, he had deferred introducing the Bill with a view to the removal of those difficulties; but, judging from the terms in which some of these Clauses were framed, he took it for granted that the Bishops of the Catholic Church in Ireland, had not been consulted on the subject. Indeed, very great pains seemed to have been taken to exclude the mention of the word "bishop," as referring to those dignitaries of the Catholic Church. That appeared to him most extraordinary; and it could not fail to be regarded as a most offensive proceeding by the Roman Catholics of this kingdom. If there had not been Bishops in the Catholic Church, there would have been no Bishops in the Protestant Church; and he thought they ought not to withhold from the Clergy of the Catholic Church the acknowledgment of those dignities which were recognised by those who were under their spiritual rule. He could state, on behalf of the Catholic hierarchy of Ireland, that they had no desire to refuse any legislation which could be beneficial to that communion, of which they were the pastors. But he wished to contrast the mode of proceeding which had been adopted with regard to this Bill and to another. When a Bill was introduced into the House of Lords to repeal thirty Penal Statutes affecting Roman Catholics, it was referred by the Lord Chancellor of England to the Law Commissioners. Certain alterations were made in the Bill, and it was then referred to the Bishop of London, that he might ascertain whether those Statutes could be repealed without endangering the safety of the Church of England. The Bill passed through Committee, and then the Bishop of London stated that the Archbishops of the Protestant Church, were absent attending to their sacred duties, and he hoped that at that period of the Session such an important measure would not be pressed. But what a different course had been pursued with regard to this Bill! That Bill, which affected most materially the interests of the Catholic Prelates in Ireland, had never been referred to them—their opinion had never been asked on the subject. He considered that some of the Clauses in this Bill were of a most objectionable character. It was undoubtedly the fact, that a feeling of jealousy existed among the Catholics of Ireland with regard to all measures affecting the interests of their Church. They had already suffered materially by having wrested from them property which in former ages had been devoted to charitable endowments in connexion with their religion. This had been done in Ireland in a manner and to an extent which he thought would not be defended by hon. Gentlemen opposite; and it was not surprising that a strong feeling of jealousy respecting all legislation on subjects of this nature should exist in the minds of the Catholics of Ireland. They were not inclined to trust any legislation which interfered with religion; for they felt that, even if they could not endow their Church, the endowments might hereafter be directed to the support of another religion. The Irish Catholics felt that this Bill might operate to their future prejudice. By one of its Clauses, the Commissioners were removeable at the pleasure of the Crown. If, therefore, at any period it should suit the objects of a future Government to apply bequests arising under this Bill to purposes other than those contemplated by the donors, they could at once remove the Commissioners and replace them by others. Another objection to the Bill was, that one of the persons who was constituted a Chairman of this Board, was the Judge of the Prerogative Court in Ireland, appointed by the Archbishop of Armagh, to whom the Bishops of the Catholic Church owed no allegiance. There was another Clause which was as objectionable to the Catholics as it probably was to members of the Church of England. The Church of England deferred to the authority and intepretation of their Bishops with reference to matters of doctrine and of discipline; and the same principle had always been held by the Catholic Church. But, by one of the Clauses of this Bill, five members of the Commission were to decide upon points affecting the doctrine and discipline of the Catholic Church. The right hon. Baronet (Sir J. Graham) had stated that this Bill had been proposed in a spirit of peace: but he thought it his duty to state fairly his objections to the measure. Another objection he entertained to this Bill was, that the expressions used in the measure, and the restrictions it proposed, might be brought forward as precedents on future occasions. He could assure the Government, that if it was really their desire to conciliate the Catholics of Ireland, they would be met in a spirit of fairness; but if they sought to override that religious community—if they endeavoured to force upon the Catholic Church measures which it could not conscientiously accept, they would be met with stern and stedfast opposition.

Lord *Eliot* defended the Bill, which, he said, was one that had received the approval of a nobleman in whom the Irish Roman Catholic people had a just confidence—the Marquess of Normanby. He could not see the force of the objections urged against it, and for this reason, that the Bill was of an enabling and permissive, and not of a compulsory character; and if any Roman Catholic founder did not feel confidence in the board, it was still open to him, as at present, to invest the funds in the names of other trustees. But he admitted that it was expedient to engraft on the principle of this Bill a provision to remove the just complaints made against the constitution of the board hitherto, which was not only exclusively Protestant, but chiefly consisted of clerical members of the Established Church. This had now been done, and it was hoped, that it would tend to facilitate voluntary endowments for the Roman Catholic Clergy. The hon. Gentleman opposite had objected to the Judge of the Prerogative Court being a member of the board, but that very appointment was suggested to him by the hon. Member for Waterford, and though it might be an individual suggestion, still he thought that hon. Member spoke the sense of the Roman Catholic Members of that House. With the exception of that Judge, the other Members might be Roman Catholics, and it was not, therefore, just or fair to say that the board were to be Protestants. The hon. Gentlemen had dwelt on the impossibility of Roman Catholic prelates permitting the reference of matters relating to the

Roman Catholic Church to a board the majority of which might be Protestant. But in every Roman Catholic country, with the exception, perhaps, of the Italian States, matters of this kind were constantly referred to the State and to the civil authorities. It was so in Austria, it was so in France. Even ordination could not take place without the sanction of the Council of State; nor could any man act as cure in France without the sanction of the Government; and any matters in dispute between bishops and priests were referred for decision to the tribunal of the Council of State. He trusted hon. Members opposite would give the Government credit for feeling that it was most desirable to appoint persons who should enjoy the confidence of the Roman Catholic body, and to do this they must appoint parties who were prelates, or at least ecclesiastics of that church. He did not think the Government deserved the degree of suspicion that had been expressed, and he thought it was impolitic on the part of hon. Members thus to reject with a degree of scorn what he would not call the boon proffered, but the conciliatory act by which the Government desired to remove grievances which had long been complained of.

Mr. *Bellew* thought this Bill was really intended to give as much satisfaction to the Catholics as was consistent with the ascendancy of the Protestant Church; but it would have been far better if the Government had more fully consulted the wishes and views of the Roman Catholic body. The Government had not consulted that body, and could not, therefore, be surprised that the Roman Catholic body in Ireland had no confidence in them. What, he should like to know, prevented the Government from giving the Roman Catholic bishops their titles? Were they bishops or not? Her Majesty might appoint them to-morrow to the Archbishopric of Canterbury, and they would require no new consecration. The hon. Member protested against the interference of laymen with any matters relating to the discipline of the Catholic Church. If the object of the Bill was to satisfy the Catholics, why not have made the Catholic bishops a corporation for the management of their funds. The noble Lord had said, that in other countries the State exercised an interference over the Roman Catholic Church, but in those other countries that Church was united with, and paid by the State. By the three months Clause, the Government proposed to take from them some advantages which they already possessed, and gave them some on the other hand, which they did not seek for. No measures of legislation would be satisfactory which did not admit the equality of the Roman Catholic Church; it was too powerful to be merely tolerated. He believed the Bill had been brought forward with good intentions, and he, therefore, did not like to vote against a second reading, but he hoped Her Majesty's Government would consent to postpone it to a future Session for more deliberate consideration.

The Earl of *Arundel and Surrey* took that opportunity to thank Her Majesty's Government for introducing a Bill which appeared to him to be framed with the very best intentions, and with a real desire to conciliate and to promote the interests of the Roman Catholic population of Ireland. It was true that the priests of his persuasion did claim for themselves the exclusive privilege of deciding in matters relative to ecclesiastical discipline and interpretation, but it did not appear to him that the questions likely to be referred to this board were such as would at all entrench upon that claim. He thought, however, that Her Majesty's Government would do well to take into consideration one objection which had been made, and see whether they could not recognise the bishops and archbishops of the Romish Church. The machinery of the Church of Rome did exist in Ireland, whether for good or for evil, and it was by that machinery this Bill must be worked, and he thought it would tend greatly to promote good feeling, and conciliate the good will of the Roman Catholic population of Ireland, if the dignity of their reverend prelates were acknowledged and recognised in the Bill.

Sir *R. Peel* had heard with very great satisfaction the speech of the noble Lord, a speech in every way creditable to him, and certainly most just towards Her Majesty's Government. Her Majesty's Government had been influenced by no desire whatever, in bringing forward this measure, except that of wishing to correct what had been made a matter of complaint by the Roman Catholics of Ireland as a great defect in the law of endowments. Not wishing to be provoked into a controversial spirit, he (Sir R. Peel) must, never theless, say that he had heard with regret the tenor of some of the speeches which had been made by some hon. Members on the opposition side of the House. It was said that they (the Ministers) had no knowledge of the feelings of the Roman Catholic population as to the existing law, and of the necessity of its amendment. He believed that those feelings had been very powerfully put upon record in a publication which had received the sanction of the Roman Catholic Association, and which was supposed to represent the feelings of the Catholic body. That publicawas written by a great lawyer, a man indisputably of high reputation, and whose work was supposed to contain in the fullest manner the object intended to be effected with respect to the enactment of all laws affecting the Roman Catholic class of Her Majesty's subjects. Mr. Scully said, that among other things the Roman Catholics complained of the state of the law with respect to Roman Catholic charities, and that an institution was appointed in the year 1800 for the purpose of superintending the administration of those charities. There was one chapter of the work which treated expressly of the law on charities. It was stated in Mr. Scully's publication, that the effect of the law was this, and it remained unaltered to the present day, until the present Government now came forward to apply a remedy to the grievance; that no person could give or grant any land, or sum of money, to or for the support of any Catholic establishment. The right hon. Baronet read further extracts from Mr. Scully's work, to show what was the present state of the law upon the subject of Catholic charities, and what were the grievances complained of, and then observed, that Her Majesty's Government were now attempting to alter that law by bringing in a Bill which would put it beyond all manner of doubt as to the wish of the Legislature with respect to charities to Roman Catholic institutions. By this Bill it was provided that henceforth there should be no concealment or misapplication of donations and bequests to public and private charities in Ireland, but that they might be made in the face of day. Thus a complete remedy was provided for the existing defect of the law in that respect. Then, with respect to the Board of Commissioners, it was proposed that the Board should consist of ten persons, five of whom should be Roman Catholics. But it was objected that the Lord Chancellor, whom it was proposed should preside, would necessarily be a Protestant. To obviate this objection, the Government agreed to omit the name of the Lord Chancellor, and had substituted the Master of the Rolls, who, with the Chief Baron of the Court of Exchequer, were both eligible for Office, although they were Roman Catholics. It was true they had appointed also as one of the Commissioners the Judge of the Prerogative Court, who could not, of course, be a Roman Catholic; but having made these concessions, they were yet taunted with not having appointed a fair and impartial Commission. The appointment of the Judge of the Prerogative Court was vested in the Lord Primate of Ireland, but that most rev. Prelate had stated to the Government, "I place in your hands the nomination; I wish to have nothing to do with it." He had, therefore, made the appointment. But the offices of the Master of the Rolls and the Chief Baron had recently been filled by two Roman Catholics, Sir M. O'Loghlen and Mr. Chief Baron Wolfe. There were ten other Commissioners to act concurrently with these official Commisssioners, five of whom were to be Roman Catholics. This was the manner in which the Clause provided for that purpose:—

> "And be it enacted, that the Master of the Rolls in the High Court of Chancery of Ireland, the Chief Baron of the Court of Exchequer in Ireland, and the Judge of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout Ireland, together with ten other proper and discreet persons, to be appointed by Her Majesty in Council, by warrant under the Sign Manual, of which ten persons, five, and not more than five, shall at all times be persons professing the Roman Catholic religion, shall be one body politic and corporate, by the name of 'The Commissioners of Charitable Donations and Bequests for Ireland,' and by that name shall have perpetual succession and a common seal, and by that name may sue and be sued."

He asked any man whether Government had been influenced by the motives imputed, and whether it was not most disheartening, instead of doing justice to those who were anxious to do justice, to have reference made to former debates respecting the restoration of Mr. O'Driscoll, or the appointment of a Lord of the Bedchamber.

The noble Lord who spoke last said it was objectionable to the Roman Catholics to have lay Commissioners to interfere with spiritual matters; but it was perfectly open to the Crown under this Bill to appoint on the Commisson a Roman Catholic Prelate and a Roman Catholic Priest, and place them on the Commission, and why should it be supposed that the Crown would not secure the appointment of Roman Catholic Prelates, as in the case of Maynooth, if they found it to be desired by the Roman Catholic body and congenial to the wishes of the hierachy? He assured the noble Lord that his supposition was not consistent with the real state of the case, and he trusted that, having stipulated that one-half of the Commission should consist of Roman Catholics, the House would feel that Her Majesty's Government were desirous of meeting what they understood to be the feelings of the Roman Catholics on the points in question. But it was said the Government were not acquainted with what was the Roman Catholic feeling in Ireland with respect to the subject of this Bill. He trusted he had shown that there were objections on the part of the Roman Catholics to the existing law, and that they had pointed out the defects of the law; and he trusted that for those defects of the law, Her Majesty's Government had provided a complete remedy in the Bill; he trusted he had also shown that the principle of the measure was a principle of fairness and equality, having stated that of the Commissioners two were to be legal authorities who might be Roman Catholics, and that as to the Special Commissioners, they had given a guarantee that one-half of them should be Roman Catholics. Reference had been made to a measure that had been in contemplation by the Marquess Wellesley, on which it was said that Roman Catholic Prelates had been consulted. He had not meant to allude to that measure, but as the allusion had been made on the other side, he would take the opportunity of showing what was the amount of difference between the measures, by contrasting them; the measure he meant that had the assent of the Roman Catholic Prelates, and the measure of Her Majesty's present Government. [An hon. *Member*: That was not a Bill.] He knew it was not technically and literally a Bill; it had not arrived at that stage of advancement; but still the print of the measure which he held in his hand had as much of the appearance and character of a Bill in all respects as any print of a Bill he ever saw. It was entitled,

> "An Act to assist in Providing Places of Worship for Persons of the Roman Catholic Persuasion, and Houses and Glebes for the Roman Catholic Priests."

And it recited the defects of the existing law, whereby the intentions of donors were frequently frustrated. There was a point to which he wished to call attention. In the title of this measure, the Roman Catholic clergymen was called "the parish minister." Her Majesty's Government noticing that, had introduced the expression in the Bill brought into the House of Lords; but they were told that there were most serious objections to the use of the term "minister," that "minister" was a Presbyterian term, and did not designate a Roman Catholic clergyman. Well, Her Majesty's Government yielded to that representation and substituted the word "priest" for the word "minister" throughout their Bill, though the latter was the word used in the measure of Lord Wellesley, which had been seen by Dr. Murray. Surely that was a proof that no insult to Ireland was intended by the use of the word in the Bill as originally proposed. The House might depend upon it, Her Majesty's Government would go on in their course of doing justice to all parties, but certainly it was hard that when they attempted to cure an admitted defect in the law in a way which they had reason to think would be considered satisfactory by the Roman Catholics, the means they took should be held out as a new insult; that the reward for their pains should be to be told they were doing wrong, and that all they had attempted to do was an insult to the people of Ireland. The Bill of 1834 provided that it should be competent for any party to give land or money for the purpose of building chapels, and it also provided that there might be an endowment for the use of the parish priest of the parish in which such chapel should be built, and of his successors, so long as they should continue possessed of such parish. A similar provision was contained in the Bill before the House. Did not this enactment practically take perfect security that the endowment should continue to the successors? Some Gentlemen had stated apprehensions, that after the Roman Catholic body should have been entrapped by the provisions of the Bill into giving money or and for these purposes, some change would be made in the constitution of the Commission; a set of subservient Roman Catholics would be appointed; and the whole of the bequests, donations, and benefactions swept away for the use of the Protestant Establishment. But did any man seriously think that the Crown would be base enough to put in five Roman Catholic Commissioners pledged to take part in such a scheme, if it were practicable? If hon. Gentlemen really conceived such opinions of the Government, the sooner the Government abandoned all hopes of conferring benefit on Ireland the better; it would be far better to leave the law as it was than that they should be subjected to such imputations, and the House be influenced by them. The Bill provided that no more than forty acres should be granted as an endowment. That was also the provision of the measure approved of by Dr. Murray. But still it was said that the Government were introducing new restrictions. The Bill also provided that no party on his death-bed should be able to make a bequest. That was the law in Ireland at present. In England the bequst must be made one year before the death to make it valid. Her Majesty's Government, in order to guard against undue influence, which was so liable to operate at the death of a party, whether Catholic or Protestant, under the influence of the feelings which those scenes naturally excited, had provided in this Bill that the grant should be made three months before death. It was entirely a question of public policy. If it was desirable that the term fixed in the Bill should be altered, that was a matter for subsequent discussion. With respect to personal property, the Bill imposed no such limitation. With respect to real property, it proposed the limitation of three months. The measure of 1834, which was seen by Dr. Murray, did exactly the same thing. Not a word of objection was urged then; not a word was said that the term of three months was too large. Thus it appeared that the Bill of Her Majesty's Government was the same as to the amount of the grant, and as to the limitation of three months. But now it was said, that there was some rule of the Roman Catholic Church that made it impossible for them to commit the consideration of spirituals to a lay tribunal; that it necessarily belonged to the cognizance of ecclesiastics, and of ecclesiastics alone. He thought, however, that the noble Lord's construction was perfectly just, that the Bill did not relate exclusively to spiritualities; that it was an ecclesiastical as effectually as a lay body. But his first answer to this charge was, that there was nothing in the Bill to cause the Crown to constitute this exclusively as a lay tribunal; his next answer was, that the Bill of 1834, which was said to have been submitted to the Roman Catholic Prelates—which was said to have had their assent—did devolve on a tribunal exclusively lay the consideration of these matters. The right hon. Baronet then read a long Clause from the proposed measure of the Marquess of Wellesley's Government, providing that on breach or abuse of the trusts the Attorney General or two of the Commissioners should petition the Lord Chancellor, who should adjudicate on the questions in dispute, subject to an appeal to the House of Lords. Thus the measure of that day gave the consideration of spiritual matters to a tribunal which must be lay, with an appeal to the House of Lords. His right hon. Friend (Sir J. Graham) had said, and said truly, that the Government had not brought in this measure for the purpose of conciliating the public favour by unwise concessions, but for the purpose of doing that which they thought to be just in a conciliatory and friendly spirit; that their motive was a kind and conciliatory motive, so far as doing justice could be consistent with a kind and conciliatory feeling. It rested with hon. Gentlemen whether they would oppose the measure or not. It was possible that an opposition, if strenuously directed against the measure at that period of the Session, might be successful; but whether the opposition did or did not meet with success, he hoped that during the recess, popular feeling in Ireland would not be inflamed by charging Her Majesty's Government with being wanting in a desire to do that which was just towards Ireland; he did hope that the Government would not be taunted next Session that they had permitted the business of England and Scotland to occupy exclusively the attention of the Government and of Parliament, and that that would not be made an additional argument in Ireland in favour of a repeal of the Union;

he did hope that hon. Members on going down to their constituents would explain to them that the measure Her Majesty's Government had brought forward was a measure which permitted voluntary endowments, which permitted individuals to enter into voluntary subscriptions for building Roman Catholic places of worship; that it made it impossible for the Government to interfere with those benefactions, that it constituted the Commissioners of Roman Catholics and Protestants in equal numbers, and that the principle of the measure was one of equality; so that their constituents might believe,—and if it was permitted to pass, it might be considered by the reasonable and unbiassed part of the people, a valuable measure, and a proof that the Government was actuated by the desires respecting Ireland which they had all along expressed.

Mr. *Sheil* began by requesting the right hon. Baronet to give his comments upon the Bill as much attention as they deserved, and perhaps the more because Ministers had not taken the opportunity of consulting others as deeply interested, and much better informed. He had waited with anxiety to hear what reason the right hon. Baronet could suggest for not having asked the opinion of a single Roman Catholic ecclesiastic. Upon that point he had not thought it judicious, or perhaps necessary to reply. Reference had been made to his (Mr. Sheil's) hon. Friend, Sir Henry Winston Barron, as the person at whose instance the Judge of the Prerogative Court had been inserted in the Bill.

Lord *Eliot* observed, across the Table, that the Judge of the Prerogative Court had been substituted for the Lord Chancellor.

Mr. *Sheil* did not mean, either directly or by insinuation, to say anything condemnatory of the Member for Waterford; but he might observe that he was not a lawyer, and did not advert to the fact that the Judge of the Prerogative Court must be a Protestant. It was true that the Chief Baron and Master of the Rolls might be Roman Catholics, and Roman Catholics had occupied thoseoffices. Whether a similar event was likely to happen again under the Government of the right hon. Baronet was a question he was not prepared to answer. As the Bill was framed, it gave a majority of Protestants to the Board of Commissioners for a very considerable period; yet it had been stated on the other side that three-fourths of the property of charitable bequests was Roman Catholic. It was natural, therefore, to inquire why a majority of Protestants was to be placed on the Board? What reason could be alleged but the principle of maintaining Protestant ascendancy. He did not complain of the choice of the Judge of the Prerogative Court as an individual. On the contrary, he admitted his learning, his talents, and his integrity. His impartiality might be judged from the fact that he was assessor at the great Clare Election, and gave a decision against his own party, which was the cause of the return of Mr. O'Connell. [Sir *R. Peel:* And that was the man I appointed.] He would speak of every man according to his deserts, but the fact was, that he held an office which required Protestantism as a condition precedent. No reason had been offered for not consulting a single Roman Catholic Prelate upon a Bill which related to property held for ecclesiastical purposes; "the doctrine, discipline, and constitution of the Roman Catholic Church" were the very words of the Bill. Why, then, he repeated, had not one Roman Catholic Prelate been consulted? He did not attribute any sinister intent, but the neglect of which he complained had produced the existing embarrassment. The Marquess of Normanby had been mentioned as an authority, and unquestionably his opinion was of high value; but he (Mr. Sheil) did not think that any Protestant could enter into the feelings of the Roman Catholics: he could not appreciate their motives, or understand their prejudices or jealousies, the unfortunate result of mistaken legislation. A friend of peace, a man distinguished for his moderation, who had never thrown any obstructions in the way of Government, had written to him in these terms:—"That with great regret he felt it his duty to express his conviction that the Roman Catholic Church could not asquiesce in a Bill by which authority was given to laymen in the affairs of the Church." Before Ministers precipitated themselves into this measure from their hurry to do what they imagined to be good, they ought to have asked the opinion of a Roman Catholic Bishop, and he would at once have told them that his church could not consent to it. He advised Ministers to take the course adopted in 1800, under Mr. Pitt, respecting the visitors of Maynooth. A Clause was inserted in the Act providing that in all matters relating to the exercise, doctrine, and discipline of the Roman Catholic Church, the visitorial power should be exercised exclusively by Roman Catholics. Who were the Roman Catholic trustees of Maynooth? The Earl of Fingal, Archbishop O'Reilly, and Archbishop Troy. Let Ministers take that course; let them appoint their five Commissioners at once, and make the majority Roman Catholic ecclesiastics. Let them rid themselves of the inconvenience of hereafter selecting the individuals, and avoid all discussions in the newspapers as to the merits of different parties. He could not help thinking this a reasonable suggestion, and in this spirit Mr. Pitt had acted. In relation to this point he would venture to read a passage from the works of a much greater man (he said it with no intention to disparage) than any now living—he alluded to Edmund Burke—who, in his "Letter on the Penal Laws against Irish Roman Catholics," expressed himself thus:—

> "Before I had written thus far, I heard of a scheme of giving to the Castle the patronage of the presiding members of the Catholic Clergy. At first I could scarcely credit it, for I believe it is the first time that the presentation to other people's alms has been desired in any country. If the State provides a suitable maintenance and temporality for the governing members of the Irish Roman Catholic Church, and for the Clergy under them, I should think the project, however improper in other respects, to be by no means unjust. But to deprive a poor people, who maintain a second set of clergy, out of the miserable remains of what is left after taxing and tithing —to deprive them of the disposition of their own charities among their own communion, would, in my opinion, be an intolerable hardship. Never were the members of one religious sect fit to appoint the pastors to another."

In this passage were laid down the principles on which they should proceed. All interference by the State with the Government of the Catholic Church ought to be avoided. They should bear in mind that under this Bill questions connected with that Government would in all likelihood arise. Dr. Everard left 30,000*l.* to build a Roman Catholic College, and the removal of a Professor of that College would let in the whole question. He asked that there should be inserted the names of three or four dignitaries of the Catholic Church, and of one layman of high rank in whom the Catholics could have confidence. He might be mistaken in his views, but he appreciated the motives with which the Bill had been introduced. It was brought forward in the spirit of peace, and in the spirit of peace he received it. But he would have preferred that they should have adopted a course which would have established not an armistice, but an amnesty. There was, however, at the conclusion of the right hon. Gentleman's speech an intimation for which he thanked him; it was that there might be a royal visit to his country, and if there should be such a visit, he assured him that Her Majesty would find a loyal, a gallant, and still a loyal people, and he fervently prayed that she might display the noblest attribute of the Sovereign—justice, tempered with mercy.

Lord *Stanley* sincerely rejoiced that the right hon. Gentleman who had just sat down had considerably departed from the tone of the observations which had been addressed to the House previously, and had confined himself to commentaries upon, rather than to the making of any decided objections to, the principle of the Bill. The right hon. Gentleman had done no more than justice, as well as his noble Friend (the Earl of Arundel and Surrey), if the noble Lord would permit him to say so, to the views with which Government had been actuated in the proposal of that measure; it was a remedial measure as applied to the existing state of the law. Objections had been made to the measure as compared to the existing law, but amendments might be introduced during its discussion, and which, as far as they were consistent with the objects of the Bill, would be by Her Majesty's Government taken fairly into consideration. Her Majesty's Government, in introducing that Bill, had in view, not a polemical or religious controversy, but one object, and one only—that of rendering the existing law practicable, and placing all bequests for charitable purposes—of Protestants as well as Roman Catholics—on a footing of equality, under one Board, having no leaning this or that way, but a Board that would do justice to all. He assured the right hon. Gentleman that the Government had no unworthy views in proposing the measure. Let the House recollect that this was not a question of religion which the unhappy jealousies in Ireland but too frequently caused to be introduced into such questions, but one of property and of law. What, he asked, had they done? Was it or was it not essential that they should have legal advice for the guidance of the Commission? The right hon. Gentleman must admit that. Objections had been made to legal authorities being placed at the head of the Commission; but let him remind them that being a question of law, and of law only, the ultimate appeal must be to the Lord Chancellor of Ireland. From that they could not escape, nor did he think that an escape would be desirable. He asked, amidst all their differences of opinion, whether any one who differed from him in political sentiments would not rest with implicit confidence on any decision upon questions of property which Lord Chancellor Sugden might give? It had been told them (the Government) that the Lord Chancellor being necessarily a Protestant, and presiding in the Court of Appeal from the decision of the Commission, was not a fit person to appoint. What did the Government do? They appointed two Judges, not from their opinions, but from their situations, two of whom, the predecessors of the present Judges, singularly enough, had been Roman Catholics. Why did they not choose a Roman Catholic, it was asked? They had chosen, be it recollected, the Judge of the Rolls Court, upon the suggestion of the hon. Baronet, the Member for Waterford (Sir H. W. Barron). "Oh, but," said the right hon. Gentleman (Mr. Sheil) "the hon. Member for Waterford did not recollect that the Judge of the Rolls Court must be a Protestant." What, however, had that right hon. Gentleman, himself said of that functionary? "That he (the Judge of the Rolls Court) was a man on whom he could rely, for in a matter of great moment, and wherein the party was of opposite political opinions to his, and when a counsel, before he had received his present promotion, and when he might have disobliged his party, he had dared, with courage and manliness, to decide against the opinion of his party and co-religionists." Again, the right hon. Gentleman said, "Why not appoint some legal authorities who must of necessity be Catholics?" To that the only reply was, that no one knew of any such persons—he knew of no legal functionary who must necessarily be a Catholic; but it was rather hard to force the Government to make this a religious question—they had no wish or intention to make it a religious question. It was the wish of Her Majesty's Government to create a tribunal that should be wholly independent of religious considerations. He regretted that anything should have been said about the Board being divided into five Protestants and five Roman Catholics, or that the discretion of the Crown should have been at all fettered by that discussion. He considered in such a tribunal that it should be quite unnecessary to ask whether the Members were of one persuasion. The right hon. Gentleman (Mr. Sheil) had complained that they had not consulted the Roman Catholic Prelates; but the Government had consulted neither Protestant nor Roman Catholic Prelates. It being a matter of property, they looked at the law of the case, and they looked at the legal and judicial powers with which the Commissioners would have to be invested. He begged the House not to lose sight of the fact that the matter now before the House was no new cause of complaint. How was the old Board, or rather the Board at present in existence, constituted? It consisted of the Lord Chancellor, the Bishops, the Judges of the three Superior Courts of Common Law, the Judge of the Prerogative Court, the Provost of Trinity College, the Dean of St. Patrick's, and the incumbents of the several parishes within the city of Dublin. Of this Board, five were to be a quorum, provided an Archbishop or Bishop formed one of the five. That constitution made the Board exclusively a Church of England Board. Such a state of things might very well excite the jealousy of the Roman Catholics. The powers given to that Board authorised them to search out for bequests, and authorised them, with five for a quorum, one being a Bishop, to apply the funds so acquired, not only in such manner as might be lawful, but in such manner as might appear to them to be expedient. That was what had excited the suspicions of the Roman Catholics. The Board, he repeated, had been hitherto composed chiefly of Ecclesiastics of the Established Church, to the exclusion of Roman Catholics, and that Board had more power than the Court of Chancery, for it could apply the trust property as it pleased if purposes of the testators appeared to them impractical or inexpedient. The Government had come forward to remedy that grievance. In 1829 a Committee was appointed, to consider the Irish Miscellaneous Estimates. Before that Committee Mr. O'Connell was examined, and the constitution of the Board was one of the charges made against it. In the course of Mr. O'Connell's examination, he was asked,

> "Was there a want of confidence in the Board?"

He replied,

> "There was a great want of confidence, and always would be as long as they remained in their then state."

He was asked,

> "Would he state his objections?"—"The fact is (Mr. O'Connell replied) if Roman Catholics wished to leave their money for charitable or pious purposes, they were apprehensive that their intention would not be carried into effect."

Mr. O'Connell stated another objection—

> "Their tendency to litigation."

That was an objection which was common to all Boards, but certainly a much stronger one, where there was a reluctance to apply the bequests to the charity originally intended. Further on in his evidence Mr. O'Connell was asked,

> "If this objection would apply, if the Commission were composed partly of Roman Catholics and partly of Protestants?"

He was invited to go further, and to state his objections to the Board, and was asked—

> "If the Commission were composed of two or three Roman Catholics out of nine or ten?"

His answer was—

> "That his objections in such case would be much weakened."

There had been no other objection taken to the composition of the Board. One great objection then would be much weakened (said Mr. O'Connell), if two or three of the Commission were to be selected from the Roman Catholics. What did the Bill do? It provided that five out of ten of the Commissioners should be Roman Catholics. [Mr. *Sheil:* Five out of twelve.] He heard the right hon. Gentleman say, five out of twelve: why the Bill gave five Roman Catholics and five Protestants, and two out of the three Judges might be Roman Catholics. There was no question that the Church of Rome had secured five out of ten, the other two being competent to be of the Roman Catholic persuasion. He denied — he thought it most unwise, most false to allege—that any one placed in a judicial situation, be he Roman Catholic or Protestant, be he Episcopalian or Presbyterian, would not perform those functions belonging to his station, without reference to the sect or party of which he might be. Would it not have been taken as an insult, if it had been said of Chief Baron Wolfe, or of Sir M. O'Loughlen, that in ecclesiastical questions they would not have dealt out justice, because the parties might have been of a different religious persuasion to that of the judge? He deprecated the raising of any such questions; he deprecated still more, when Government had placed five of their own persuasion in the Commission, beginning to question whether it was five out of six, or five of twelve; he deprecated dividing the Board as to their opinions. There was no pretence for any jealousy of the kind, for, by the Bill, in the case of Roman Catholic charities, they were exclusively placed in the hands of Roman Catholics; and in the case of Protestant charities, exclusively in the hands of Protestants. They sought to reduce them in one common bond of fellowship; they sought to unite all sects and persuasions in Ireland in amity and peace; but if the charity be exclusively Roman Catholic, in order to meet objections, and to remove all charge of injustice, they had considered it right to provide that such should be administered by Roman Catholics, and by Roman Catholics only. They had been told, not by the right hon. Gentleman (Mr. Sheil), but by some who had spoken before him, that comparing any new law with the law as it was, was an insult to Ireland. Did such remarks give the Government any chance of holding the balance equally between the two parties, when, in endeavouring to place all on a footing of equality, they were to be told that that relaxation was an insult? What encouragement to Government was there to proceed, when such was the way in which they were met? What encouragement had Government if, when seeking to place the Roman Catholics on equal footing with the Protestants, they were told that they placed power in the hands of Roman Catholics it was true, but it was in the hands of laymen? It was a new doctrine whether those Roman Catholics should be laymen. Let them, then, bring it forward, state it, and argue it; and see if they would decide for or against the Roman Catholic Church. The right hon. Gentleman had quoted Burke, to the effect "that the members of one religious sect should never be allowed to appoint the pastors of another." That members of one religious sect should never be allowed to appoint the pastors of another, how did that apply? The question was not left to the decision of the members of another persuasion, whose doctrines and tenets were different. The reference was plain enough, but in the present case it did not apply. Let them suppose the case of Mr. Crotty, who carried all his congregation along with him; the Commissioners have to decide it. The heresy would, indeed, be far spread, if five of the Commissioners, being Roman Catholics, should decide that the succeeding priest was, and the other was not entitled to the cure in question; in such a case the heresy must, indeed, be very wide spread. But he would grant that laymen ought not to be consulted. Who then ought to be the judge in the case of the foundation college of Dr. Edwards? [Mr. *Sheil:* The bishops.] That brought them to another question, should questions of that nature concerning property be exclusively referred to the jurisdiction of the Church? That was a large question, and which it behoved Roman Catholics to consider before deciding. However, suppose the case of A. B., whose rights, as regards a certain amount of stipend guaranteed by law, were involved—to what quarter should A. B. make application? To the Church of Rome. That supposed a tribunal superior to the law; but the English Constitution did not admit of any temporary tribunal holding such power. That was a large and most important question; but he would like to know what religious persuasion ever claimed that right? There were questions of salary and appointments, which were matters connected with property, and they were not within the cognizance of ecclesiastical tribunals. All the Bill went to effect was in the case of a bequest being left, to recover it and apply it, be the testator Protestant or Roman Catholic, according to his directions. If, for instance, there was a bequest of 100*l.* a year for the establishment of a professorship at Maynooth, all the Board would have to do would be to receive it, and pay it over to the authorities for the time being. If another claimed the professorship, and he shall be legally entitled to it, and his claim be recognised by law, it would be settled by law, and could not be considered a question at all relating to, or affected by, religious discipline. The ultimate resort, if secured by law, must be to the Lord Chancellor of Ireland, or to the House of Lords. But (said the right hon. Gentleman) if the Roman Catholic Church did not permit of the decisions of laymen in matters ecclesiastical, surely, such being the case, Roman Catholic ecclesiastics ought to be on the Board. There was nothing in the Bill saying that Roman Catholic Ecclesiastics should not compose part of the Board. Nor was there anything to declare, that all legal questions should be decided by Ecclesiastics. For his part, he should consider it most unwise to give any such power as that asked for by the right hon. Gentleman to any Church, Roman Catholic or Protestant. There was nothing in the intentions, feelings, or wishes of Government, that could prevent them from hearing observations during the passing through Committee of that Bill, either in respect to the provisions for the Board or other parts. In confining the administration of religious charities exclusively to Roman Catholics, when the bequests were left for the purposes of the Roman Catholic religion, and exclusively to Protestants, when left for the propagation and advancement of the Protestant religion, he believed that they could act for the benefit of the two parties. They sought, when religious differences did not interfere, to do away with the jealousies of each, by conferring the administration of religious bequests exclusively on persons of the same denomination. In others they thought it unwise to proceed, excepting in so far as the Board was directed by legal authority, which had been provided for in the least possible objectionable manner. They would be ready in Committee to consider the details of the measure. They had considered the objection urged by Mr. O'Connell, the lay leader of the Roman Catholics, to the Board as at present constituted—they had conceded the objections of Dr. Murray—they had, in fact, framed the measure with a view to obviate excitement; and he deeply regretted that it should, on the second reading, or in the discussion of its details, be met with objections which were the farthest possibly removed from the intention of Government.

Mr. *Wyse* could assure the noble Lord who had just sat down, and the right hon. Baronet (Sir R. Peel), that any remarks which he made should be characterised by the same moderation of tone as had marked their remarks. The right hon. Baronet (Sir J. Graham) in introducing that Bill, had professed to be guided by a desire to mete out equal justice to Roman Catholics as well as Protestants. It was most important for the encouragement of bequests and endowments that they should be untainted even with the suspicion of their not being fairly adapted to the uses and intents of the testators. The old Board was founded at a time when prejudice was most abroad, and with a view, in a great measure, to carry out in its own way the general policy of the Government, viz., the gradual undermining of the Catholic faith, by taking away from them not only those endowments which they had inherited from their ancestors, but preventing also the possibility of any future endowment that might be made for posterity. The question before the House was simply this—whether the measure under consideration provided the remedy which was desired. He admitted to the same extent as the noble Lord, that the question of endowment was a question of temporalities and of property; but it frequently became a question of a spiritual and religious nature also. No man could be more anxious than he was to prevent ecclesiastical power and despotism in any shape from interfering with the property of a nation, but it was for the security of the State and of the Church, that the State should not go beyond its legitimate sphere. Many of the donations and bequests which were made from time to time were not Catholic or Protestant, were not necessarily connected with religion, for they might be left to schools, colleges, and for other secular purposes, and such bequests legitimately came under a mixed Commission; but those that did not come under that denomination ought not to be conducted by a mixed Commission, but by those who ought to be recognised as the spiritual and religious teachers of the people. The Catholics of Ireland had no objection to a mixed Commission for general charities. In his own town 20,000*l.* or 30,000*l.* were left by a Catholic to the poor generally of Waterford. Did the people of Waterford attempt to carry this solely to the account of the Catholic population? By no means. He assisted at many of the general meetings before the matter was referred to the general Board in Dublin, and the anxiety was, that all classes should share in the philanthropy of the donor. There was no objection on the part of the people of Ireland to a Board for the administration of general charities, but there would be such an objection if those charities became of a religious nature. Now the question before the House was, whether the arrangements in the Bill then under discussion were of such a nature as to remove the evils complained of. The noble Lord had stated that there were five Catholics and five Protestants on the present Commission. He (Mr. Wyse) did not wish them all to be laymen; he would have one ecclesiastic at least among them. Would it not be better that some of the Bishops should be on the Board, to give their opinion *in limine*, than that there should be any chance of litigation? The noble Lord said on a former occasion, that the Bishops had been consulted. The noble Lord might refer to the opinions of past days, but they ought not to legislate by the past, but by present opinions. He would not further trespass on the House but by saying, that his principal objection to the Bill was, that its object being (as the noble Lord had said) to consult the wishes of the people of Ireland generally, the Government did not take the precaution of ascertaining the opinions and feelings of that portion of the people of Ireland who, in such a case, ought to carry much weight—he meant the priests and Prelates of the people of Ireland—that the noble Lord and his Colleagues did not conciliate them—that they had not shown due regard for their position and character—that they had not placed beyond a question and doubt the chance of difference of opinion between laymen and ecclesiastics, which might have been avoided by placing ecclesiastics on the Commission. A measure such as that before the House ought to be perfect, instead of compelling them hereafter to make amendments; and it was of the greatest importance, that it should meet with the universal approbation of the people.

Mr. *Hume* said, that he thought the tribunal proposed by the Bill was a very fair one, and that no objection could be made to it. He thought the Bill had been brought forward in the spirit of peace, and therefore he should support it. In the present state of feeling in Ireland he gave the Government the greatest credit for coming forward and doing what they had done. He hoped this was only a prelude to all the other changes which the people of Ireland wanted. He hoped, however, the same Government would look to the charities of England; 250,000*l.* had been expended to inquire into the charities of England, and at this moment there was no tribunal to see to their proper administration, and there was no evil of a greater and more crying nature in the kingdom. He advocated justice to Ireland, but he hoped in this case they would also do justice to England.

Colonel *Rawdon* wished to know, as the noble Lord the Secretary for the Colonies had used the terms "exclusively Catholic" and "exclusively Protestant" with regard to the Commission, whether the Presbyterian interest was also to be regarded? He thought the measure had been brought forward in a good spirit. He would, however, suggest to the Government, that if this Bill was likely to be opposed by the Roman Catholics (some of whom had spoken against it that night), they might constitute two Boards, one for Roman Catholic, and the other for Protestant purposes. The present measure had, however, been brought forward in a good and kind spirit, and he should, therefore, give it his support.

Mr. *R. Dillon Browne* thought that this measure ought not to be passed at this very late period of the Session. An opportunity should be given to the Catholic hierarchy to discuss it. Is was a measure which would not be satisfactory to the people of Ireland; it would not be received as a boon, as they had been told by the right hon. Gentleman on the other side of the House. Were not the Catholic priesthood and hierarchy the best judges whether it was a boon or not? The newspaper-press in Ireland found fault with the measure, as did the Roman Catholic Bishops and Clergy. The hon. Gentleman then read extracts from the *Patriot and Freeman's Journal*, and also from a letter from the Rev. Dr. M'Hale, the Archbishop of Tuam, condemning the Bill. Out of 30,000*l.* given for charitable purposes in Ireland, 24,000*l.* had been bequeathed for Catholic purpeses; and he thought as so much dissatisfaction existed in Ireland amongst the Catholics with reference to the Bill, it ought at least to be postponed until next Session.

The House divided:—Ayes 71; Noes 5: Majority 66.

List of the AYES.

Acland, T. D.
Aglionby, H. A.
Ainsworth, P.
Aldam, W.
Arundel and Surrey, Earl of
Baring, hon. W. B.
Baskerville, T. B. M.
Boldero, H. G.
Borthwick, P.
Botfield, B.
Bowles, Adm.
Brotherton, J.
Bruce, Lord E.
Clerk, Sir G.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Cripps, W.
Dawson, hon. T. V.
Duncan, G.
Eliot, Lord
Elphinstone, H.
Entwistle, W.
Escott, B.
Forman, T. S.
Forster, M.
Fox, S. L.
Fremantle, rt. hn. Sir T.
Gaskell, J. Milnes
Gordon, hon. Capt.
Ooulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hamilton, Lord C.
Hawes, B.
Hope, hon. C.
Hume, J.
Hussey, T.
Hutt, W.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E
Lyall, G.
Lygon, hon. Gen.
Martin, J.
Meynell, Capt.
Nicholl, rt. hon. J.
Northland, Visct.
O'Brien, A. S.
Packe, C. W.
Peel, rt. hon. Sir R.
Peel, J.
Pennent, hon. Col.
Plumridge, Capt.
Polhill, F.
Pusey, P.
Rawdon, Col.
Richards, R.
Ross, D. R.
Rushbrooke, Col.
Shaw, rt. hon. F.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Stanley, Lord
Sutton, hon. H. M.
Thesiger, Sir F.
Thornely, T.
Trench, Sir F. W.
Trotter, J.
Wawn, J. T.
Wood, Col.
Yorke, H. R.

TELLERS.
Young, J.
Lennox, Lord A.

List of the NOES.

Blake, M.
Browne, hon. W.
Collett, J.
O'Connell, M. J.
O'Conor Don

TELLERS.
Browne, D.
Somers, J. P.

Bill read a second time.

On the Motion that the Bill be committed,

Mr. *M. J. O'Connell* said, that after all the suggestions that were offered, and the complaints that were made, with reference to the Bill before the House, he was surprised that so little in the way of concession had fallen from the Members of the Government. It was but poor consolation to the Catholics, when they found that their Prelates had been treated with so little respect, to tell them that others had been treated in the same way. When they got into Committee, perhaps the right hon. Baronet would give some reasons why he did not consult the Catholic Bishops with respect to the provisions of this Bill. With reference to the title of Catholic Bishop being so studiously omitted from this Bill, he must say that they were resorting to the most contemptible legislation; and it had been said, that this had been done with the view of conciliating one of the most paltry bigots that ever disgraced any country. He would take that opportunity of giving notice, that in Committee he should propose an Amendment to provide for the full recognition of the Catholic Bishops, by proposing that there should be substituted for the words priests, and persons, and high rank and order in the Catholic Church, the words priests, and Archbishops, and Bishops of the Catholic Church in Ireland. He conceived that the proper mode of appointing the administrators of the trusts would be to let each body appoint their own trustees, not being removable by the Government; this would induce the people to place much greater confidence in the administration of trusts. There had been no time for the consideration of this Bill in Ireland, as it was only sent down to that House on Tuesday last, and was only printed in such time as to enable it to reach Ireland yesterday, and of course they had hitherto had no opportunity of manifesting any expression of opinion with regard to it.

Bill to be committed.

House adjourned at twenty minutes past ten.

HOUSE OF LORDS,

Tuesday, July 30, 1844.

Minutes.] Bills. *Public.* — 1^{a}. Militia Pay; Customs (New South Wales); Books and Engravings; Protection of Purchasers, etc. (Ireland).

2^{a}. Railways.

Reported.—Ecclesiastical Jurisdictions; Clerk of the Crown in Chancery; Transfer of Licenses (Post Horses); Law Courts (Ireland).

3^{a}. and passed:—New South Wales, etc. Government; Land Tax Commissioners Names; Three-and-a-Half per Cents. Dsssentients.

Private.—*Reported.*—Lord Cranstoun's Estate.

3^{a}. and passed:—Lord Cranstoun's Estate; Hough's Divorce (India); Morton's Estate; North Wales Mineral Railway; Great Southern and Western Railway (Ireland).

Petitions Presented. From Carvers, Gilders, and others of London, for Legalizing the Proceedings of Art Unions.

Roman Catholic Penal Acts Repeal.] On the Order of the Day being read for receiving the Report of the Amendments,

The *Lord Chancellor* said, My Lords, I rise to move that the Report on this Bill be now received, with the further view of its being recommitted, when any Amendments may be made which may be considered advantageous. He did this on the part of his noble Friend (Lord Beaumont), and he would take the opportunity of stating what was the position of the matter, and what the part he had taken in it. The Bill was introduced by a noble Lord (Lord Beaumont) early in the month of May last, when he recommended his noble Friend to abstain from pressing the measure, because Government had it in view to reconsider the subject of penal enactments as a whole, including, of course, the enactments against the Roman Catholics. To this the noble Lord objected, and when my attention was subsequently called by the noble Lord to the subject, I told the noble Lord that I would look over the Bill, and that I would strike out every Act recited in it, the propriety of the repeal of which there was reason to doubt, and to which repeal strong opposition might of course be expected. The subject is, my Lords, one of a very complicated and intricate nature, as it embraces a great many measures enacted at various times. I, however, turned my earnest attention to it, and I also consulted the Criminal Law Commissioners, and other parties, who were perfectly competent to consider and advise upon the subject. Having so done, I struck out several Clauses of the Bill; and I think I may justly say with respect to what I have done, that no Clause has been left in the Bill as to the propriety of which any reasonable doubt can be entertained. The question before the House is, that the Report be now received; but there is another question to follow, of which the noble Lord (Lord Beaumont) has given notice—namely, that the Bill be re-committed to a Committee of the whole House. When it is so recommitted it will be in the power of any noble Lord or right rev. Prelate to object to the repeal of any Act or part of any Act which is intended to be repealed by this Bill; and I pledged myself to this — that if any reasonable ground shall be advanced for striking out any part of the Bill as it now stands, I will immediately agree to its being removed. It will be for the House in Committee to consider whether the Bill in its present form answers the character that I have given of it, with respect to any one Clause of an objectionable nature having been suffered to remain it. Now, my Lords, I am desirous that this matter should be perfectly understood—because it is of great importance that we should know distinctly the situation in which we are placed. It is said, that at so late a period of the Session we ought not to entertain a measure of such importance. This, my Lords, certainly appears to me, under all the circumstances, to be a most extraordinary ground of opposition. Upwards of ten weeks ago, your Lordships' attention was directed to the object of this Bill. During that long time every noble Lord and every right rev. Prelate in this House has had his attention directed to it, and has had an opportunity to examine and to consider it in all its details. And now, upwards of two months after its introduction—after all this opportunity for consideration and inquiry—are we, my Lords, to be told that it is too late in the Session to proceed with this measure? The question is, my Lords, not whether this Bill shall be adopted, but whether we shall go into Committee, to make it as perfect as possible, and I am quite sure that the most substantial justice will be done to all parties by taking this course. The position of myself with reference to this Bill, and the situation of the Bill itself, being understood, I shall now draw your Lordships' attention a little in detail to the contents of this measure, and I will ask whether you can put a finger on any enactment which it proposes to repeal, and say that it ought to be preserved on the Statute Book? The first enactment which it proposes to repeal is the first Act of Uniformity—the Act of the 1st of Edward VI. That Act declares, that a certain form of Common Prayer shall be used in all churches, and that any person who shall attend in any place where any form of prayer is used different from that authorised by the Act of Parliament, shall, for the first offence, be punished by a heavy fine; for the second offence with imprisonment for a year; and for the third offence with imprisonment for life. But you tolerate the Roman Catholic religion! You allow Catholics to attend their own places of worship. If you forbid them to follow that form of worship will you not be practically preventing them from going to any place of worship whatever? The Bill which I now submit to your Lordships' consideration will enact that the attendance upon their own form of worship, shall not subject Roman Catholics to a penalty. My Lords, can any one doubt the propriety of such a decision? [*Loud cries of* "Hear, hear."] Will any of your Lordships—will any Prelate upon the rev. Bench, say that it is not most desirable to repeal such a Statute? If you think otherwise, why, my Lords, you had better repeal the 10th George IV.—the Roman Catholic Relief Act. But, without saying a word more, I am sure nothing can be urged against the repeal of such a Statute. I proceed, therefore, to the next Act with which we deal—the 1st of Elizabeth, chap. 1. By that Act, if any one within this realm denies the supremacy of the King or Queen in spiritual or ecclesiastical matters—if any one should assert that any other person's authority or power has any ecclesiastical or spiritual jurisdiction within the kingdom, he is subject to penalties of the severest kind:—for the first offence, to the forfeiture of all his goods and chattels, and, if those goods and chattels, do not amount to a given sum, to imprisonment for a year; for the second offence, to the penalties of *præmunire*—that is to say, not only the forfeiture of all his goods and chattels, but to imprisonment for life and to be incapacitated from taking any proceeding in any court of law or justice; for the third offence, my Lords, he is subjected to the penalties for high treason; and what makes this the more extravagant is, that the 31st of George III. and the Roman Catholic Relief Act admit, under the form of an oath, the right to hold the spiritual jurisdiction of the Pope, because the oath there prescribed only goes to deny the Pope's temporal authority. Thus, your Lordships will see, whilst you allow the propriety of swearing one thing, you keep on your Statute Book this Act of Pains and Penalties against those by whom that very thing is admitted. Why, is not this most extravagant? What is the course I have taken? You will blame me, my Lords, I am sure, for not going far enough. Instead of repealing the Act altogether we have limited the penalty to that prescribed for the first offence. Surely, that is a sufficient punishment. Surely, it is not too much that we have done away in such cases with such penalties as the *præmunire* and the punishment for high treason. I ask your Lordships, is that too much to do? is there anything in such a course inconsistent with the principles of the Protestant Establishment and the Protestant religion—to both of which I am as firmly attached as any man in the kingdom? My Lords, I believe we shall be best doing our duty by our Church and by our faith if we get rid of these barbarous enactments directed against our fellow Christians. But what is the next Act we propose to deal with? It relates to the attendance of the people at the parish church. By this Act, the 1st of Elizabeth, chap. 2,—it is the Act immediately following that I have just spoken of—by this Act every person is obliged to go to a Protestant place of worship once, at least, on every Sunday. My Lords, can a Roman Catholic do this? Can you subject him to a penalty for not attending as long as they tolerated the Roman Catholic religion? I am sure no one can contend for any such thing; and, therefore, there is a Clause introduced into this Act exempting Catholics from the penalty consequent upon their neglect. But, my Lords, there is another Act—the 5th of Elizabeth. It runs in the same direction as the 1st of Elizabeth, which I have already quoted, and, therefore, I will only advert to it in order to remark that it makes the penalty still more severe, inasmuch as it subjects the first offence to the punishment of the *præmunire*. Of course, we get rid of that. But, besides, there are in this Act provisions for administering certain oaths. Commissioners are to be appointed to make every suspected person take certain oaths therein prescribed. What are the penalties in the case of refusal? For the first offence, *præmunire,* for the second offence, the penalty of high treason. Have I done wrong, my Lords, in consenting to repeal such a Statute as this? But there is still another Statute—a Statute which renders every party who is reconciled to the See of Rome guilty of high treason and liable to its penalties. Any one who is conscientiously convinced of the justice and the divine origin of the Roman Catholic faith, and becomes reconciled to the See of Rome is to be deemed guilty of high treason. I say nothing about the error of such a person; but am I wrong in getting rid of such a penalty? Why, by the same Act, any priest who administers mass, privately or publicly, within these realms, is subjected to a penalty of 200 marks, and any one who attends such mass is liable to a penalty of 100 marks. This at a time when you profess to tolerate the Roman Catholic religion! Why, my Lords, such a thing, in these days, is an extravagant absurdity, and I hesitate not to strike such an Act from the Statute Book. My Lords, I have already stated that any one who does not attend church once a week is subject to a penalty. There is another Act which subjects to a penalty of still greater amount all who do not attend church once within a month. I have struck that Act out of the Statute Book also; and I hope such a step will meet with your approbation. But, my Lords, I go still further,—and I enter into these points, let me say, parenthetically, because I am liable to be attacked for this conduct—because, in truth, I have been attacked about this matter, and learn it is necessary that I should explain my position. I say I go still further. The next Act which I deal with is the 27th of Elizabeth, the Act relating to Jesuits. Under that Act any party being a Jesuit, and continuing within these realms for a longer period than so many days, is subject to the penalties of high treason. I believe, my Lords, that under any circumstances I should have struck the greater part of this Act from the Statute Book, but when I find that the 10th Geo. IV., the Roman Catholic Relief Act, embodied every necessary arrangement upon this point, I felt it more imperatively necessary to take that step. But there is still more. Under this Act any one who goes abroad to be educated in what is called a "seminary institution," and does not return within the realm within six months after the proclamation is made for his return, is deemed and taken to be guilty of high treason. Any one who goes to any college abroad—any one who is sent to St. Omers, for example—is guilty of high treason, if he does not return within six months after proclamation is made. That Statute, my Lords, I have also thought it desirable to repeal. A law such as this was no doubt passed at a time of great political excitement—at a period when great alarm was felt respecting the influence of the Pope and of Roman Catholics within these realms, and therefore to a certain extent the Act is excusable. But what, my Lords, is there to warrant the retention of such laws upon the Statute Book of the present day? What excuse have we for such barbarous enactments now? My Lords, there is another Act by which it is laid down that any one within these realms who relieves by money a Jesuit or a party in a foreign seminary, shall be subject to *præmunire* that was guilty of an offence that led to the forfeiture of all his goods—to imprisonment for life, and the deprivation of all power to vindicate any wrong or injury the party may sustain. Your Lordships, I am sure, will be of opinion that I do right to repeal that law. But there is still more. The 35th of Elizabeth requires all persons to conform to the established religion, and provided that all parties who did not attend their parish church should be called upon to conform; and that if they refused or neglected to do so, they should abjure the realm, or be held guilty of felony if they remained in this country; and, further, if they abjured the realm and went abroad, and afterwards returned to this country, they should still be held guilty of felony. Under the same Act, any person professing the Roman Catholic religion, must not be found at any place beyond three miles from his usual place of abode, under the severest penalties; and whatever might have been the grounds for passing that Act originally, in this travelling age it would be considered a most barbarous law. Then,had he done right in repealing this rigorous Statute. Well, then, I pass to the next law—an Act passed in the first year of King James I. By that Act, no one can send his son to be educated abroad, in the Roman Catholic religion without incurring the heaviest penalties. Any gentleman who thinks his son can be better educated abroad than at home, and who, in consequence, sends him to receive the advantages of instruction at a Roman Catholic college, is liable to penalties of the heaviest description. I have repealed that Statute. Then there is the 3rd of James I., chap. 4 and 5. They prescribe punishments for recusancy —for which crimes they inflict the most severe penalties. If a man does not go to church, he is a recusant; if he is a Catholic he is a Popish recusant, and, on complaint, he becomes a Popish convict recusant, and is subjected to penalties of the severest character. Surely, my Lords, the whole of this ought to be repealed. Then there is the 7th of James I. That Act prescribes a certain oath, and those who omit to take it are subjected to the penalty of *præmunire.* Next I go to the Statutes of Charles I. Under one of these, if you send your children to any place of education on the Continent, you cannot, such is the singular state of the law, maintain any suit in any court of law at home, and it further provides that any party having been so educated abroad by direction of his parents shall, in like manner, be prevented from instituting or pursuing any suit in a court of law. Then, there is the 25th of Charles II. Your Lordships will bear with me whilst I glance at all these Acts, for the importance of the subject and my own position really require it, there is the 25th of Charles II., under which it is enacted that any one who becomes a convert to the Popish religion shall not be capable of holding any office or place of trust or profit whatsoever within these realms; and if he educates his children in that faith they are also incapacitated from holding any such place of trust or profit. That, my Lord, is another Act which I strike from the Statute Book. Again, in the reign of William and Mary a Statute was passed which enacts that no Catholic shall come within ten miles of this great metropolis, under certain heavy penalties. I propose to strike out that. By an Act in the same reign no Catholic is permitted to bear arms, and, which will strike your Lordships as peculiar, if he has a horse of above the value of 5*l.* it is to be seized and disposed of as any Justice of the Peace may think proper. And now, my Lords, I believe, I have pretty well run through the catalogue. Is there any one amongst your Lordships who can object to the repeal of any of these laws? I appeal to that right rev. Bench, and to the right rev. Prelate who is seated on it (the Bishop of London). Let him tell me if he is not satisfied in his own conscience that every one of these Acts ought to be repealed. If he is not satisfied—if he can point out a single law which in his conscience he thinks ought not to be repealed, I ask him to show me a valid reason for retaining it on the Statute Book, and I promise him to except it from the operation of the present measure. Well, then, my Lords I want to know what is the real objection to this Bill? I presume, after what I have stated to you, that the objection about "the late period of the Session," will not be persisted in. It is said, I understand, that the operation of the 31st George III., and the 43rd George III. will be affected by this Bill. What is the 43rd George III? It points out, my Lords, an oath to be taken, in order to entitle Roman Catholics to inherit or to possess land. I understood from what the right rev. Prelate said the other night, that, the effect of this law would be to repeal that Act of Parliament. I was, therefore, somewhat astonished to discover, on looking into the matter, that the Act was in reality repealed by the Roman Catholic Relief Bill. But it is said, the Act will, constructively, repeal the 31st of George III., of which the 43rd George III. was a Bill in furtherance. What is the 31st George III.? At the time that Act was passed, parties were not prepared, as I hope we are now prepared, to repeal these penal acts of the Parliament. A kind of compromise was consequently entered into. A form of oath, and a declaration was prescribed, and it was said, if you take that oath and subscribe to that declaration, you shall avoid the penalties consequent upon the infringement of these laws. Now, the fact is, that this Bill does not repeal that oath and declaration, though, of course it renders them inoperative. You cannot, my Lords, do away with the cause for such declaration without rendering useless the declaration itself. But, why should we not do away with the declaration? What an extraordinary mode of legislation it is to say, "we will impose severe penalties—most outrageous punishments—on an individual, for a certain offence; and yet if he goes and takes an oath, he shall be absolved from the consequences of committing such offences!" Why, what does it come to? To this, my Lords—that the penalty is imposed for not taking the oath. By one of these Acts—it is really almost laughable to reflect on the anomaly—if you do not take an oath, you are guilty of high treason; by the other Act, if you do not take the oath, but take some other oath, you are not guilty of high treason; but, then, if you should omit to take either oath, why then you are guilty of high treason. Such is the absurdity. The Act of George III. was passed with a good intent, no doubt: but the effect is to put the Roman Catholic in this position—that if from accident or negligence he omits to take some oath or another, he is liable to the penalty for high treason. Surely, if your Lordships consider these things, you will be satisfied that we might even go further than we have done in dealing with these laws. I have pressed my noble Friend (Lord Beaumont) to permit this Bill to stand over until we have an opportunity of further considering the subject, and dealing with the enactments *en masse*. I do not hesitate to say, that were we to do so, I should be strongly inclined to deal more stringently with all these laws; but upon that point I am in the hands of the noble Lord. He may follow or not follow my counsel. If he does not regard it, I can only say, that I feel myself pledged, and that I deem it an imperative duty to vote for this Bill in its present form—an imperfect form, I admit, but imperfect, at any rate, upon the right side. Having said thus much, I move, your Lordships that "the Report of the Amendments be now received."

The Bishop of *London* said, that the noble and learned Lord who had just sat down had rendered it extremely difficult for him to oppose the Motion which was now before their Lordships, without appearing to entertain a desire to retain upon the Statute Book of the Realm the obnoxious acts to which the Lord Chancellor had referred. Against that supposition he (the right rev. Prelate) was most anxious to guard himself; indeed, in the few remarks which he had had the honour of addressing to their Lordships on a former occasion he had avoided giving any opinion as to how far it might be desirable to interfere for the purpose of repealing any of these laws, nor should he on the present occasion feel himself called upon to make any declaration as to how far he might or might not be prepared to go in the way of abrogating these different enactments. It might be proper—perhaps many of their Lordships would deem it proper—to make a change in the laws affecting the Roman Catholics; but what he (the Bishop of London) did maintain was this, that the points now brought under their attention only constituted a part of a more extensive subject—of a subject of the deepest interest—of a subject which ought to be considered as a whole, to be made a matter of most mature deliberation, and to be treated and decided on, not upon the recommendation of individual Peers, but upon that of the responsible Government of the nation. To him (the right rev. Prelate) it would be no satisfaction to defend these laws. He should be sorry to follow the noble and learned Lord with any view to extenuate many of their provisions; but, without doing that, he felt that conscientiously he could oppose the further proceeding upon this Bill, and that he was in a position to thank the noble and learned Lord for giving him, in the course of his statement, grounds upon which to base what he hoped would prove a successful opposition to it. From the short history which the noble and learned Lord had given of the Bill, it appeared that such was his estimate of its importance, that he had warned the noble Lord who originated the measure against dealing with it, and he had called upon him to afford the Government an opportunity of considering the whole subject at their leisure during the recess, when they would have time to prepare a more comprehensive enactment embracing the entire subject. He agreed with the noble and learned Lord that such would have been a proper and a becoming course of procedure. He knew and had known for some time how strongly the noble and learned Lord felt upon the point, and therefore it was that he had always regarded it as utterly impossible that this Bill could have been persisted in. The bench of Bishops generally supposed that no attempt would be made to persevere with it at present, and they had consequently treated it as a subject which, certainly, could not be long deferred, but which would, without doubt, be postponed until those who ought to deal with it had maturely weighed the facts; and until they, the appointed Guardians of the Church of England had, in some way or other been consulted as to its different provisions. Feeling thus with regard to it, he must admit that he had heard with the greatest astonishment and pain the attempt now made to press the matter forward at a time when the occupants of the Bench on which he sat were almost all absent—absent on duties of even graver importance than the duty of attending, when it was possible to do so, the deliberations in their Lordships' House. In expressing this surprise, however, he begged to say that his remark applied exclusively to the noble and learned Lord on the Woolsack, and in no way whatsoever to the noble Mover of the Bill (Lord Beaumont.) That noble Lord was, no doubt, quite right, and perfectly justified in bringing in the Bill and pressing it forward on every opportunity; but what he did complain of respecting the matter was, that the Bill should be taken up by the Government at the eleventh hour, without any consultation with the Prelates of the Established Church, and without any possibility of their being present to discuss it. At what a late period of the Session the measure was submitted to them! No doubt, as the noble and learned Lord had said, it had been introduced some time since by its noble author; but they must remember that at that time the organ of the Government, the noble Lord who was at the head of the law in this country told them plainly that the measure would not be carried, and that it must be left to the Government to consider it. For his part, he (the Bishop of London) felt peculiar surprise at the course which had been taken respecting it; for when first the measure was introduced, it had been referred to him by the noble and learned Lord, in order that he might obtain upon it the opinions of some of the leading members of the legal and clerical professions, and having accordingly referred it to them, he had been distinctly told, that there was no possibility of considering it before the close of the present parliamentary Session. Without any impeachment of his charity, therefore, he might fairly take this ground of opposition to the Bill, and call upon their Lordships not to pass it into a law under such circumstances. With regard to the principle of the measure itself he had only a few remarks to make by way rather of caution than reprobation. Let him remind their Lordships, that from the Reformation down to the present time the Constitution of the Church of England had not been only a Protestant Constitution, but that it had been an Anti-Popish Constitution. The legislature was not alone content to declare against the errors of the Church of Rome, but—whether wisely or not, he would not now say—they had in a most energetic manner acted upon that principle of legislation and especially at the time of the Revolution. This was the first time, except of course in the passing of the Roman Catholic Relief Bill, that the Parliament had ever attempted to break down the Acts which had been passed to protect the Reformed Church in her supremacy. He readily admitted that many of these penal laws were passed in periods of panic and unnecessary alarm, perhaps, as to the power and influence and intrigue of Rome;—he readily admitted that with regard to some of these laws it might be desirable to revise or even to repeal them; but what he warned their Lordships of was this—that all these enactments were links of one great chain, and that though some of them might be rusty and scarcely trustworthy, yet that the Legislature ought to proceed very warily and cautiously in removing what they could not replace—in breaking away parts so as to render the whole useless. It was impossible to see to what extent they might not go hereafter if they once made this breach. Already the noble and learned Lord on the Woolsack talked of "going further;" let their Lordships then wait and see how far he was prepared to go, and let the noble and learned Lord, if he had considered the whole subject, bring in a Bill which treated of the whole subject. He believed that, in saying thus much, he spoke the opinion of most of his brother prelates—of at least 19-20ths of the clergy of the Establishment—and of a large proportion of the worshippers in the Church of England. All he asked, then, was, not to set aside the subject altogether, but to pause a Session ere they finally disposed of a matter of such grave importance, the end and termination of which it was quite impossible for any one to foresee. No inconvenience to any party would follow such a delay, and, as one of the rulers of the Protestant Church of England—as one deeply interested in the prosperity and integrity of that Church—a prosperity and integrity which, for ought he knew at present, this Bill might even promote—he did claim of the Government that they should give him time to consider it, and should not press on so hastily towards a conclusion a matter of such grave and serious importance. The right rev. Prelate concluded by moving that the Report be received this day three months.

The *Lord Chancellor* having put the question that the word "now" stand part of the Motion,

Lord *Brougham* recommended his noble Friend (Lord Beaumont) to adopt the suggestion of his noble and learned Friend on the Woolsack to leave the Government to consider the question during the recess for the purpose of legislating upon it next Session, as being the most effectual means of accomplishing the object he had at heart. He protested, however, against the assertion that the Bill would be injurious to the interests of the Protestant Church; he, on the contrary, believed that it would give additional security to that Church. The Statutes which it was now proposed to repeal could only be justified by the panic which had seized men's minds at the time they were passed, and were only tolerated for a single hour from the conviction that they would never be enforced. The only real objection that had been urged against the Bill was, that it did not go far enough. That objection he hoped would be obviated next Session, by the introduction of a more comprehensive measure, based upon broader principles, by the Government, which should have his most hearty concurrence. There was one point connected with this subject which he wished to impress upon the attention of his noble Friends opposite, especially upon that of his noble Friend the Foreign Secretary (Lord Aberdeen). He had seen a tract written by a talented Friend of his (which had been admired by a noble Earl opposite, as well as by the late Mr. Canning, and with the opinions expressed in which he perfectly agreed), and it was therein stated that it was beginning at the wrong end to repeal those Penal Statutes which affected Roman Catholics, until they repealed those premunire Acts which prevented communication with the See of Rome. We, however, paid the penalty of our blind folly and narrow policy. Other Protestant nations, as Prussia for instance, held communication with the court of Rome, the consequence of which was an increasing good understanding between the two courts.

The Earl of *Wicklow* said, his first impression was, that the noble Lord (Lord Beaumont) would do wisely to adopt the suggestion of the noble and learned Lord on the Woolsack; but when he heard the speech of his right rev. Friend (the Bishop of London) he altered his opinion, for it appeared to him that his right rev. Friend, having no ground of opposition to the present Bill, wished to see another and more extensive measure introduced, in order that he might find some ground of objection. He thought that the Government might give more attention if they allowed the Bill to pass, than if the Bill were postponed until the next Session. The right rev. Prelate could not deny that those Acts were a disgrace to the Statute Book, and they ought not, therefore, to be allowed to remain there a single day. If he stood in the situation of his noble Friend he would take as much as was granted to him, and seek for the further and complete remission of the penalties that had been referred to at a future opportunity.

Lord *Campbell* would also advise the noble Lord to persist with his Bill, and attain now every possible good that could be achieved. No one, he thought, could hesitate in the course that ought to be pursued who had heard the most lucid and learned disquisition that had been given on these Statutes by his noble and learned Friend on the Woolsack; for he had pointed out with invincible force all those obnoxious Statutes that ought to be removed. The right rev. Prelate was not able to controvert the statements of his noble and learned Friend, neither was he able to answer one iota of his reasoning. He could not avoid remarking that this Bill cautiously avoided going one step further than it was safe to do, and therefore it was thst he recommended the noble Lord not to follow the advice of his noble and learned Friend (Lord Brougham), though he always had been, and he believed his noble and learned Friend still was a warm friend to all that is liberal. Why, he asked, ought these Bills to remain on the Statute Book? Why should they be allowed still to disgrace (as it had been truly said) the Statute Book? He believed that in 1791 these Bills would have been repealed, but that persons were unaware that such disgraceful Statutes remained. The right rev. Prelate had said that no inconvenience could arise, because, by the 31st George III., an oath might be taken. [The Bishop of *London*: The 10th George IV.] The one was a very long oath, the other something shorter. But the right rev. Prelate said, that by taking that oath the penalties might be avoided. What would their Lordships, who were Catholics, think of their wives and daughters dropping down to the Quarter Sessions, Chancery, or Queen's Bench, and, between the hours of ten and one o'clock, taking their oaths to entitle them to go to mass? Or would they, as the right rev. Prelate charitably suggested, send their young men to these places to take such an oath, in order that with impunity they might ride a horse worth something more than 5*l.*? He believed that all those Catholics who did not take their oaths were liable to penalties, very heavy penalties, at the suit of informers. Were they to permit these Statutes, now that they were known, to remain in force? Or if they did, could they say that they would stop the actions as they had done with their Gaming Bill. If they refused to pass this Bill they could not, he said, deprive the informer of his vested rights in a *qui tam* action.

Lord *Beaumont* rose to reply and said, that he need hardly inform their Lordships that little was left for him to do in respect to the merits or details of the Bill, since the one had been so eloquently set forth, and the other so minutely described by his noble and learned Friend on the Woolsack. To add one word to that powerful and eloquent display of memory and argument, would not only be supererogatory but in bad taste. But, leaving the merits of the Bill unnoticed, and confining himself to points on which his noble Friend had not touched, he (Lord Beaumont) would briefly reply to some of the remarks which the Rev. Prelate had made on his (Lord Beaumont's) conduct, in bringing in and forcing forward this measure. The history of the Bill was this: some period ago the Criminal Law Commissioners published their Sixth Report, and in that Sixth Report they recommended a revision of the Penal Statutes respecting religion; no notice was taken of that Report; the Criminal Law Commissioners, after the lapse of a short period, published their Seventh Report, and in that Seventh Report codefied the Penal Statutes and repealed their opinion in favour of an immediate revision of them. Both Reports obtained wide circulation, and a knowledge of these Acts being in force was generally spread. Early in this Session a Bill was presented by his noble and learned Friend (Lord Brougham) to arrange in one code the Criminal Law, and every one of these Acts were inserted therein, as though it had been the intention of the framer of the Bill to re-enact them. That he (Lord Beaumont) knew was not the case, but public attention was drawn by means of that Bill to the subject, and the knowledge of the existence of these laws spread amongst public informers. Still no step was taken by the Government, no notice given of their intentions on this question. The subject was not mentioned, no promise held out. Observing this tardiness on the part of Government, and feeling the necessity of an immediate modification of these laws, lest the same inconvenient course might be pursued with regard to these Penal Acts as had been witnessed with respect to other equally obsolete Statutes, he (Lord Beaumont) ventured to present to their Lordships a Bill on the subject, not with the expectation that his unaided efforts would carry it through Parliament, but in the full confidence that the measure, though introduced by so humble a Member of that House as himself, would attract the attention of more influential Members, and either be adopted or supported by Her Majesty's Government. He (Lord Beaumont) felt convinced that he had only to moot the question, to raise a discussion on the subject, and force the case on the attention of his noble and learned Friends, and that they would by expressing their opinions give to the Bill the importance it deserved, and that though he (Lord Beaumont) was the humble instrument by which it was first introduced, they would be the means by which it would be borne to a final and successful issue. In this hope he had not been deceived. With a firmness of purpose and an independence of spirit which must ever do him credit, his noble and learned Friend had braved the opposition of the rev. Bench, and, heedless of the abuse directed against him by a party out of doors, boldly and successfully brought his great talents to bear on the question. He had certainly tried to reconcile the opponents of the Bill, by inducing him (Lord Beaumont) to modify its character, and omit some of the Clauses, but when he found the rev. Bench still obstinate in their opposition, he boldly encountered them on their own ground, and after what had to-day taken place, there was no need of stating the result of the conflict. The rev. Prelate however complains that neither he nor his Colleagues were consulted, but that the Bill was pushed forward without due respect being paid to those who consider themselves the natural defenders of the Church. This I deny. I not only allowed the Bill to lay sufficient time on your Lordships' Table, to enable every Member of the House to make himself master of the provisions, but I particularly desired the attentive consideration of the rev. Bench; for I entertained the hope—the vain hope I am sorry now to add—that the rev. Prelate himself would be foremost in supporting my Bill, and that I should have his authority for saying that the Established Church was so deeply rooted in the hearts of the English people, founded on so solid a base, and so firmly seated in this land of boasted liberty, that it no longer required the scaffolding which had been perhaps necessary in its construction, but which now was only so much hideous and useless lumber round the building. I thought that the rev. Prelate himself would say, "sweep away these cobwebs of a past age—these mouldy Acts, which, instead of being buttresses to support the walls, are unsightly encumbrances that disfigure the building; clear away all obstructions to the view, that the Church may appear what it is supposed to be, a chaste and well-proportioned temple of solid and unspotted marble." This I concluded would have been the course adopted by the rev. Bench, and deeply do I lament having been disappointed in the expectation, for foreign nations and hostile creeds will now say, these rigorous laws are the trappings that hold up the Protestant religion, these are the props that keep the tottering fabric from falling. The rev. Prelate, however, does not fully comprehend the nature of this measure, and gives to it an importance in one respect that it does not deserve. It removes the power of inflicting penalties for deeds daily and hourly done in face of the whole world; but does not confer any new power or influence, or take off any disability in respect to Roman Catholics holding place or office in the State. Certain disabilities were retained in the Toleration and Emancipation Acts, and the Parliament when it retained them, I suppose, considered them necessary for the safeguard of the Church. These safeguards are not touched by this Bill. The same Acts, namely the 18th and 31st of George III., and the 10th of George IV., did not repeal any portion of this Penal Code, but afforded a means to avoid the severity of some of its enactments. By taking a certain oath, Roman Catholics could do with impunity all that these rigid laws intended to prohibit, but few took this oath, although great stress is laid upon this oath by the rev. Prelate as an argument against the present Bill. Do not repeal the Penal Acts, says the rev. Prelate, but let the Roman Catholics comply with the conditions of the Toleration Acts? What would be the spectacle exhibited if the Roman Catholics were to comply with the suggestion of the rev. Prelate, and your Lordships were to adopt his advice in respect to my Bill?—Why, to-morrow every Roman Catholic in this kingdom, high and low, man, woman and child, must flock to Westminster Hall, or to the General Quarter Sessions in their respective counties, and there with certain forms take the prescribed oath for the mere purpose of staving off from their heads the monstrous and bloody penalties these Acts suspend over them. Is this desirable? Would such a scene reflect any credit on the civilization of this country? Would it not be an insult to the whole of the Protestant people? Would it not imply insecurity and intolerance on the part of the Church, hostility and treachery to the State on the part of the Catholics? Yet degrading as such a proceeding would be to one religion and offensive to the other, it must soon become necessary if you delay passing this Bill. My noble and learned Friend (Lord Campbell) has stated his opinion on the probable activity of the *qui-tam* informer and my noble and learned Friend (Lord Brougham) has instanced a case where one of these Acts has actually been very recently put in force. The noble and learned Lord on the Woolsack has stated to your Lordships the crimes these Acts create, and the penalties they enforce, but he has not pointed out the inducements they hold out to the informer or the obligations they impose on the Sheriffs and the Churchwardens,—I will fill up the blank by stating a few examples (the noble Lord read several Clauses from different Acts, showing the rewards to informers, &c.) Who can wish to see such specimens of legislation as this continued? After pointing out the inconvenience of further delay in passing the Bill, the noble Lord concluded by saying, that while he again expressed his sincere thanks to his noble and learned Friend for the support he had given him, he must still decline to comply with the recommendation contained in the concluding part of the noble Lord's speech, and under all the circumstances proceed forthwith with the Bill.

The Bishop of *London* explained. He said the Prelates did not complain as to the time at which the noble Lord brought in his Bill; but, that considering the late period at which it had been brought forward, they complained of the Government having adopted it. He had not expressed himself, as saying that the repeal of these Statutes could affect the Established Church.

The question was then put, that the Report be now received.

The Bishop of *London* said "Not Content" to the Motion.

The *Lord Chancellor* declared the Contents had it.

The Bishop of *London* said, he did not mean to divide the House. As the Bill had been taken up by the Government it would be fruitless to do so; but he was fortified in his opposition when he considered that so many of his right rev. Brethren were absent.

The *Lord Chancellor*: Do you move any amendment.

The Bishop of *London*: No; I do not mean to interfere in this Bill in any way.

Amendment reported accordingly.

House adjourned.

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HOUSE OF COMMONS,

Tuesday, July 30, 1844.

MINUTES.] BILLS. *Public.*—1°. Debtors and Creditors; Transfer of Property.

Reported. — Consolidated Fund (Appropriation); Woods and Forests Accounts; Grand Canal (Ireland); Clerks to Attorneys; Spirits (Ireland); Piccadilly Improvement; Merchant Seamen.

3°. and passed:—Protection to Purchasers, etc. (Ireland); Customs (New South Wales); Books and Engravings; Courts of Common Law Process; Courts of Common Law Process (Ireland); Militia Pay; Privy Council.

Private.—1°. Hough's Divorce; Morton's Estate.

2°. Gervis's Estate; Bishop of Down, Connor, and Dromore's Estate; Lord Lovat's Estate.

Reported.—Lady Le Despencer's Estate; Harris's Estate; Passingham's Estate; Wilson's Estate; Ladbroke's Estate; Bishop of London's Estate; Bowyer's Estate; Werrington, etc. Curacies; Devayne's Estate.

3°. and passed:—Cheape's Divorce.

PETITIONS PRESENTED. By Mr. W. B. Baring, from Calcutta, for Inquiry respecting China.—By Mr. Brotherton, from J. Hindle, and by Mr. M. Philips, from Wm. Carr, for Alteration of Law of Blasphemy.—By Mr. Wyse, from Society of Ancient Art, and Institute of Fine Arts, Dublin, for Encouragement of the Fine Arts.—By Mr. C. Russell, from D. Tupper, complaining of Power of Royal Court, Guernsey.—By Mr. Clive, from Montgomery, and Pool, against Repeal of Local Acts (Poor Law).—By Colonel Damer, from Portarlington, for Extending Small Debts Bill to Ireland.

TIDAL HARBOURS—MESSAGE FROM THE CROWN.] Colonel *D. Damer* appeared at the Bar with a Message from Her Most Gracious Majesty, which was brought up and read as follows:—

"I have received your Address relating to the several Tidal Harbours, Ports, and Creeks of the United Kingdom.

"My Consideration shall be given to the subject to which your Address refers."

COOPERS' TRADE.] Mr. *Hume* in calling the attention of the House to the present distressed state of the Coopers' Trade throughout Great Britain, begged to be permitted to say a few words respecting the causes in which that depression of so useful and important a branch of artisanship had originated. Before the alteration of the Tariff, the trade was comparatively prosperous; but the changes introduced into the imports of West-India produce by that measure, had thrown the trade in casks and cooperage into the United States, where no duties were laid upon staves, and where, in consequence, the coopers worked at an advantage of 33 per cent. above those who had formerly supplied the planters with casks. The fisheries were affected in like manner, for the South Sea whalers, which formerly took their supplies of casks from coopers in this country, now had recourse to the cheapest markets, and the difference was so enormous as to render it a matter of no wonder to any person conversant with the fact, that this branch of trade was altogether declining, and that the fisheries themselves were slipping out of the hands of the English seamen. All that the British coopers sought for was, to be placed upon the same footing with respect to the price of the raw material with their foreign competitors, and to be suffered to procure oak staves, the staple of their occupation, at the same relative duties. The hon. Member moved that this House will early in the next Session of Parliament, " take the Petitions of the coopers into consideration, with a view of relieving them from their present distress."

Mr. *Gladstone* thought the class of persons whose case the hon. Gentleman advocated charged their distress upon causes to which it was not fairly attributable. They appeared to entertain the impression that their misfortunes were to be traced to the alterations in the Tariff effected in 1842. He (Mr. Gladstone) was prepared to contend, on the contrary, that that change in the law had materially improved their condition. He certainly inferred, at the time that change was proposed, that the parties interested in this branch of trade were perfectly satisfied with the contemplated alteration, for they made no remonstrance against it. The hon. Member for Montrose seemed to suppose that a prohibitive duty had been imposed on the importation of American staves into the West Indies previously to 1842; but, so far from that being the case, the duty imposed on the importation of American staves into those colonies before 1842 was very moderate—not more than 10 or 12 per cent. on the value of the staves. He believed that the depression which had taken place in this branch of trade was attributable, in a great degree, to the falling-off in the exports from this country to the West Indies. There had also, he might observe, been a material reduction in the exports from the United States to our West-India Colonies. This trade, he might remind the House, so far as those colonies were concerned, depended in a great measure upon the whale fishery, which within the last ten or twelve years had been much less successful than formerly. Another cause of the depression in this trade might be that, during the years 1842 and 1843, a very high price had ruled for Baltic staves, in consequence of an extremely restricted supply. But there had also been changes in branches of trade in this country which had had considerable effect upon the coopers' trade. In London that trade was dependent in a great measure upon the demand of brewers; and he understood that the brewers had lately adopted a new system of gathering in their casks from the public-houses. The consequence was, that the quantity of empty casks in the vaults of public-houses was considerably reduced, and a temporary slackness was imparted to the trade. This circumstance, he believed, had had a material effect upon the coopers' trade in London. But another circumstance which had undoubtedly affected the London trade was this:—that much of the brewing trade had been transferred from London to Burton-upon-Trent, and there had consequently been a reduced demand for casks in London. He believed, however, that the condition of the trade at the present moment was not so bad as the hon. Member for Montrose supposed, for he found that, during the first six months of the present year, there had been a considerable increase as compared with the first six months of the last year. He believed, therefore, that the distress under which the coopers were now labouring could not be ascribed to the changes of 1842; that distress had been considerably alleviated, and he had reason to hope that the trade was gradually improving.

Mr. *Hutt* believed that the coopers, one of the most industrious classes in this country, were in a state of great distress; but he did not consider this a proper time to enter into a discussion of this subject, and he was, therefore, content to leave the matter for the present in the hands of the right hon. Gentleman. But unless this [question was fairly taken up in the next Session of Parliament, he would cooperate with any one, either in that House or out of it, to force upon the Government the importance of placing this matter on a more satisfactory footing.

Motion negatived.

EMBANKMENT OF THE THAMES.] The Earl of *Lincoln* rose, to move for leave to introduce a Bill to empower Her Majesty's Commissioners of Woods to form a terrace and embankment, with convenient landing-places for the public, on the Middlesex shore of the River Thames, between Westminster and Blackfriars bridges. It was not his intention to press this Bill during the present Session of Parliament. He merely moved for leave to bring in the Bill, in order that parties whose interests it affected, and hon. Members of that House, especially the metropolitan Members, might have ample time to consider its details, and to form an opinion as to its merits, before the commencement of another Session of Parliament. It was therefore, unnecessary for him to waste the time of the House by urging the necessity of such a measure, to meet the evils complained of in connexion with the navigation of that important river on which the metropolis was situated. He would only remind the House, that the year before last a Commission was appointed by Her Majesty to take into consideration any improvements that might be suggested; and the Members of that Commission were deeply impressed with the importance of effecting an improvement in the navigation of the river Thames. That Commission drew up a Report, which he (Lord Lincoln) laid on the Table some three or four months ago; but, as that Report was extremely voluminous, and accompanied by numerous plans, he thought it would not be right to call upon the House to consider this subject during the present Session of Parliament. He conceived the better course would be, to consider that Report in connexion with the present Bill. It had been suggested that the expense of the proposed improvements should be defrayed by a tax upon coals imported into the City of London; but (as we understood the noble Lord) he had not introduced any Clause into the present Bill to enable the imposition of such a tax, though he thought, if an impost of this nature could be justified, it would be with the view of effecting the improvements contemplated by this measure. He would not now, however, enter into any discussion as to the propriety or impropriety of such a tax; but he hoped, under the circumstances, the House would permit the introduction of the Bill.

Mr. *Hutt* thought it right to say that, if any tax upon coals were proposed, he, and those hon. Members whose duty it was to protect the interests of the inhabitants of the northern districts of this kingdom, would feel it their duty to give their strenuous opposition to the Bill; and he hoped they would be supported by all those who believed there was either wisdom or common sense in the principles of political economy.

Mr. *Hume:* If the noble Lord had 3,000,000*l.* or 4,000,000*l.* to spare, he would oppose his plan. The increase of the tax upon coals would be attended by most mischievous consequences. The embankment, instead of being an improvement, would be the greatest possible impediment to the navigation, but he would say no more on the subject, as the Bill was to be postponed until next Session—"Sufficient unto the day is the evil thereof."

Sir *F. Trench* advocated the erection of a new bridge on the other side of the House of Parliament, and proposed that old Westminster-bridge should be continued until the new Houses of Parliament were completed. Instead of putting a tax on coals, he would suggest, that the Government should erect a railroad on the site of the embankment. This railroad would not only pay its own expense, but the expense of the embankment, and would at the same time greatly add to the embellishment of the river.

Leave given.

HEALTH OF TOWNS.] Mr. *Mackinnon* rose to call the attention of the House to the Report of the Select Committee on the Improvement in the Health of Towns in 1842, which states:

> "That the practice of interment within the precincts of large towns, is injurious to the health of the Inhabitants thereof, and frequently offensive to public decency."

Also, to the Report of the Ecclesiastical Commission, as follows:

> "The practice of burial in the Church or Chapel, appears to us in many respects injurious, in some instances by weakening or deteriorating the fabric of the Church, and in others by its tendency to affect the lives or health of the inhabitants; we are of opinion that this practice should in future be discontinued."

The hon. Member said, it is not my desire to make any lengthened statement or to expatiate on a nuisance that is felt by every member of the community. It is a singular fact that the practice of mixing the dead with the living, has been for centuries exploded by all parts of the world where the slightest symptom of a civilized state of society was to be found, that two thousand years ago it was not tolerated any where, and yet, that in the nineteenth century such an abomination should not only be practised, but be general in all populous districts in Great Britain and Ireland; in this Island comprising a population the most civilized, the most wealthy, and the most enlightened of any portion of the globe. In this instance, the proverb that "extremes meet," is verified, we witness the greatest possible degree of luxury and refinement, and wealth in this metropolis, mixed up with the grossest barbarism, brutality, and indecency in those places, and in the manner in which the remains of the departed are deposited. Let any ordinary person, high or low, rich or poor, be asked, in the streets of this town, his sentiments as to the various burial places, and as to the manner in which the remains of the dead are desecrated? and he will answer you, that it is quite an abomination and a disgrace, both to the Legislature and to the nation, that it should so continue; let any one who is sceptical on the subject, go, at this moment, to the several grave-yards within the precincts of this metropolis, I will not name a single one—I will take any that first comes to mind: let any one, I say, go to such places, the noisome smell, the pernicious and deadly miasma that emanates from them will be quite disgusting, and, if the party values his health, his enjoyment, or his life, he will escape as soon as he possibly can from such pestilence. Sir, I have heard it asserted by medical men of the highest reputation—by men well known and justly estimated in this town, for their moral worth and their high medical information; I have, I say, heard it affirmed by them, that if the abomination, now so prevalent in London, of placing the remains of the dead in the midst of the habitations of the living, was not done away at some period or another, either at some short distance, or at any rate within a certain period, some dreadful epidemic would break out in this immense population that might be most destructive in its effects. Either this system of interment is good, or it is the reverse; if the latter, of which no reasonable person in this House, this town, or this country, entertains the least doubt, why not take steps to abolish the nuisance. Look at the Report of your Committee on the health of towns, of which I had the honour of being Chairman,—look at the Report of the Ecclesiastical Commission—look at the Report of the last Commission on the subject; here you have one Committee of this House, and two Commissions, all unanimous on the question, that all interments under churches or in large towns ought to be abolished. All these parties who have made the report are totally unconnected; each have examined witnesses and elicited facts from various quarters, and all agree as to the result. Of what use can it be to put the country to the expence of a Committee of this House, and two Commissions, if you do not act on their report and their recommendation. Whence can it arise that an acknowledged evil—one of great magnitude—one that ought to be suppressed—is still allowed to exist. Every one thinks it ought to be remedied, and yet no one attempts the remedy. There can be no doubt that the difficulty of legislation on the subject is great, there are a variety of conflicting interests to be taken into consideration, but great as the difficulty may be, sure it may be overcome. Now, Sir, I will, and I trust I may be allowed to do so, address a few words to the right hon. Gentleman, at the Home Department, his labours are soon to cease, he will shortly be at ease, enjoying all the dignity, all the emolument, all the glory of the Home Office, he will be released from being in his place from noon to midnight, he will gain twelve hours in the twenty-four, he will no longer be worried by questions from the hon. Members for Finsbury, or Montrose, no more Poor Law from the hon. Members for Lincoln, Evesham, and Bridport—in one word, he will pass from a bed of thorns to one of roses. In the fulness of his enjoyment, why should he not direct his energies and his time to the present subject—why not, early next Session, produce an elegant little Bill, prohibiting the shocking and disgusting practice of interments under churches, or in large towns. Sir, I am unwilling to detain the House on this subject, but really I cannot but repeat the opinion I have before given in this place, that a law to this effect ought to emanate from the Government. Such an alteration is desirable, not only for the health of the community, but even for the sake of religion. When the church is entered—when that sacred edifice is consecrated for the purposes of worship, no sentiments ought to be entertained by the individual entering it but those of awe and devotion and thoughts of a future state; no impure, or noisome smell, no shudder of horror or disgust, or of apprehension for health arising from putrid carcases underneath, ought to mix with the goodly sentiments before mentioned. The same may be said of the sentiments that ought to arise in the human breast, in entering a field of tombs consecrated to the deceased; no disgusting sights such as are to be seen in every grave-yard in this town—no desecration of coffins, or of mortal remains. Let any one enter into the cemetery of *Père la Chaise*, at Paris, or in any other receptacle of the same description, and compare his feelings with those created in his breast, by Portugal-street grave-yard, or by various others, not necessary to enumerate, surrounding various churches in this great metropolis. I need not dwell on the great difference in feelings, both of mental abstraction and of religious feeling, in one case and in the other. Let us hope that these abominations will no longer be permitted to exist, and that the good feeling and good sense of the community will sooner or later force the Legislature to check this lamentable and increasing evil, which can only be done by sound and just, and at the same time, strong Legislative enactments. I beg, therefore, to suggest that the Government will take this subject under their consideration.

Sir *J. Graham* would readily answer the question which the hon. Member had put to him. He must, however, in the first place complain, that the hon. Member had brought forward this question without giving proper notice of his Motion. He (Sir J. Graham) did not consider it expedient to discuss such a subject, without having before them something like a substantive Motion. He, therefore, should confine himself to simply replying to the question which the hon. Member had put to him. The subject had not escaped the attention of Her Majesty's Government. A more difficult and important question could not be brought under the notice of the Legislature. It was not his intention to bring forth any measure on the subject, unless his own judgment convinced him that it would lead to satisfactory results.

SPAIN—DON CARLOS.] Mr. *Borthwick* rose to move

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence which has passed between Don Carlos (or on behalf of his Royal Highness) and Her Majesty's Government, relating to certain propositions which have been made by that Prince, having for their object the tranquillization of Spain: as also, Copies of all Correspondence which has passed between Her Majesty's Government and the Governments of France and Spain respectively relative to the same propositions."

He should occupy the time of the House very briefly. At an early period of the Session a noble Lord directed the attention of the House to the state of Spain with reference to the position of Don Carlos. Shortly after that discussion, he (Mr. Borthwick) had put a question to the right hon. Baronet at the head of the Government on the subject of certain propositions which had been submitted to the Government on the part of Don Carlos, with respect to the pacification of Spain. In reply, it was stated by the right hon. Baronet (Sir R. Peel) that certain propositions had been submitted to the Secretary of State for Foreign Affairs; that thosé propositions had not been distinctly comprehended; but notwithstanding this, they had been laid before the Courts of Madrid and France. Subsequently to this a noble Lord in another place had thought proper to make the interests of a mighty people, and the captivity of Don Carlos the subject of merriment.

The *Speaker:* The hon. Member must make no allusion to the other House of Parliament.

Mr. *Borthwick* did not allude to the other House of Parliament, but to some "other place," to which the forms of the House would not allow him more particularly to refer. He maintained that he was perfectly in order. In another place, in a speech made by Lord Clarendon,—

The *Speaker:* The hon. Member is out of order.

Mr. *Borthwick:* Well, he saw by the public journals that a noble Lord had asserted that this question was only taken up by a party in the House of Commons —by a party which had very strange notions of regenerating society at home, and whose foreign policy was confined to the promotion of the cause of Don Carlos in Spain. He understood the right hon. Baronet to say, that the propositions which had been submitted to the Government on the part of Don Carlos were non-official and informal; and, although the right hon. Baronet at the head of the Government did not clearly understand the nature of those propositions, he had nevertheless submitted them to the Courts of France and Madrid, for their opinion. The right hon. Baronet had not pressed upon the Court of Madrid for a specific answer to the proposition, but had left that court to decide as to what they thought best for the interest of Spain. An objection had been taken on the ground of the informality of the propositions. Now, the meaning of this he apprehended to be that they were submitted to Her Majesty's Government by a subject of this country, and not by a Spanish ambassador; but he could not think that the right hon. Baronet at the head of the Government was the man to take advantage of a technical difficulty, when that difficulty arose from the circumstances. Don Carlos could not send an ambassador to this court, inasmuch as since the recognition of Isabella, the Foreign Secretary could not have received him. Don Carlos being a prisoner—unjustly a prisoner, as he thought—propositions sent for the pacification of his country by the only means which he had at his disposal, and he could not think that the right hon. Baronet would so far forget himself or the high station he occupied as to refuse to consider a message from a person so situated with any less attention than if that message came from a monarch on his throne. So much for the manner in which the proposition had been conveyed. The right hon. Baronet said on a former occasion that the propositions were not distinctly made out, but that as far as he understood them he took it that Don Carlos did not waive his personal claims, but simply insisted on the marriage of his son with Isabella. He contended that that was not the proposition of Don Carlos, but directly the reverse of that proposition; and he did ask, first on grounds of general policy, and next on grounds of individual justice, for the production of the propositions mentioned in his notice of Motion, that the House might see and the people might know what were the propositions submitted by Don Carlos to Her Majesty's Government, and what were the grounds on which those propositions had been treated so cavalierly. The right hon. Baronet now said that Isabella was the representative of constitutional liberty, and Don Carlos the representative of despotic rule. As matters stood in Spain, constitutional liberty seemed to him (Mr. Borthwick) to mean that one-fourth of that country should always be in a state of siege. From the 1st of February to the 1st of June in this year, 127 persons, many of them of high distinction, had been mercilessly butchered, without a trial, under the name of constitutional liberty, of which the Foreign Secretary of this country said the people of Spain were so fond, that they cared not whether Isabella or Don Carlos were on the throne, but liberty they must have. Where did Don Carlos refuse constitutional liberty to Spain, either by word or act? let them show him (Mr. Borthwick) this, and he would be satisfied. It was said the people of Spain loved constitutional liberty. Was there ever a better representative of constitutional liberty than Espartero? Could a more straightforward man be found? yet the right hon. Baronet (Sir R. Peel) admitted to the House that never did public man sink from his place as Espartero had done with so little sympathy from the people. He (Mr. Borthwick) asked the right hon. Baronet, as a Minister of the British Crown, that he should not do the injustice to a captive prince of making his propositions appear to be what they were not, and that he would not shelter himself under a mere matter of form from producing on the Table those papers which would have the effect of presenting Don Carlos before Europe in the true light, when international law and the precepts of justice alike called for their production.

The *Chancellor of the Exchequer* considered the Motion rather calculated to express his hon. Friend (Mr. Borthwick's) own opinions than made with any view of obtaining the papers. After the allusions which had been made to what fell from his right hon. Friend at the head of the Government on a former night, and from the noble Earl in another place, in reference to this subject, he (the Chancellor of the Exchequer) could explain nothing to his hon. Friend but what had been already stated as to the course the Government meant to take. His right hon. Friend had stated, on the former occasion, that the representation which had been received from Don Carlos was indistinct in character, but that nevertheless he had thought it right to submit it to the Spanish Government, not expressing any opinion himself, but leaving the matter to their unbiassed consideration; that he had submitted the papers to the Government of France also; and that he objected to the production of the correspondence moved for by the hon. Gentleman. The hon. Gentleman had deprecated taking a technical advantage, but no technical advantage was taken with respect to that part of the papers that was sent to the Spanish and French Governments. In the House of Commons, however, it was the practice in some degree to adhere to official forms, and he thought that there could not be a worse precedent than that unofficial authorized documents of this kind should be laid on the Table. He believed that the correspondence referred to by his hon. Friend (Mr. Borthwick) was in part the correspondence of a noble Lord, who, having spent some time in Spain as an adherent of Don Carlos, addressed some letters to the Foreign Office; but it would be impossible for the House to order the production of all such letters as every gentleman who travelled in foreign countries might think fit to address to the Foreign Office. The House were in possession already of all the facts of the case; they had been stated by his right hon. Friend on the former occasion. No information had been received since. Under these circumstances, he thought it was not necessary for him to say more, or give further reasons for disagreeing from the Motion.

The Marquess of *Granby*, having been in Spain, felt an interest in the question, and wished to say that, in his opinion, the proposition of a marriage between the two parties who had been named seemed to afford the best chance of settling the disputes in that country; and he should regret that any papers which might conduce to that desirable object should be refused by the Government.

Mr. *Borthwick* briefly replied.

The House divided:—Ayes 2; Noes 33: Majority 31.

List of the AYES.

Bernal, Capt.
Sheil, rt. hn. R. L.

TELLERS.
Borthwick, P.
Manners, Lord J.

List of the NOES.

Aglionby, H. A.
Archbold, R.
Boldero, H. G.
Bowles, Adm.
Bowring, Dr.
Bright, J.
Brotherton, J.
Clerk, Sir G.
Cripps, W.
Darby, G.
Duncan, G.
Eliot, Lord
Escott, B.
Esmonde, Sir T.
Forman, T. S.
Forster, M.
Fremantle, rt. hn. Sir T.
Gaskell, J. Miles
Gibson, T. M.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greene, T.
Hume, J.
Humphery, Ald.
Jones, Capt.
Masterman, J.
O'Ferrall, R. M.
Ogle, S. C. H.
Smith, rt. hn. T. B.
Sutton, hon. H. M. C.
Trotter, J.
Wyse, T.

TELLERS.
Young, J.
Pringle, A.

ART UNIONS.] Mr. *Wyse* rose to present petitions from artists and friends to art, in London and Dublin, praying the establishment of galleries for the reception of casts, or the best works in sculpture, from the earliest period to the present, and to draw the attention of the House to the same. He was induced to espouse their cause from a strong conviction that a compliance with the prayer of the petitioners would be highly serviceable to the arts and to artists, as well as conduce to the improvement of society in general. It was proposed that exhibitions of art should be opened to the public in the different great towns by day, and confined to the use of students alone in the evening, the expense of the casts to be furnished by or through the means of the Government School of Design. He was happy to say that a most laudable desire to secure to the Irish people the benefits of these highly intellectual associations prevailed in all the well-informed circles of society there. Whatever might be their disputes upon subjects connected with religion and politics, the Government might depend upon it the germ of social improvement was comprised within this anxiety to promote the progress of the arts, and it would become the right hon. Baronet at the Head of the Government to lend these parties his powerful assistance to carry out their praiseworthy object.

Petitions to lie on the Table.

The hon. Member then moved—

> "That a dutiful Address be presented to Her Majesty, praying Her Majesty, that She will be graciously pleased to take into Her favourable consideration the prayer of the Petitions of Members of the Institute of the Fine

Arts, and the President and Secretary of the Society of Ancient Art in Dublin, praying for the establishment of Galleries for the reception of Casts of Sculpture and Architecture, Ancient and Christian."

Colonel *Rawdon* warmly supported the Motion, and observed that the exhibition of works of fine art tended much to humanise and improve the minds of the people.

Dr. *Bowring* bore testimony to the unwearied efforts of his right hon. Friend in promoting the cause of the Fine Arts, and observed that there was no man in the country to whom the artists could more properly entrust their cause.

Mr. *Escott* wished to know whether the decision of the Commission which had been appointed by the Crown to consider the best means of promoting the interest of the Fine Arts, in decorating the New Palace at Westminster, was a decision which must be considered final as regarded the merits of the competing artists whose works were at this time before the public in the exhibition at Westminster Hall.

Mr. *Wyse* replied, that the Commission had not bound themselves respecting the works of any artist whatever. They were now as free as they had ever been, and they had not committed themselves or the Government respecting any artist.

Sir *T. Freemantle* observed, that the Motion was one of great public interest, but it was one which he could not expect the House to pronounce an opinion on at that period of the Session or in the present state of the Benches. He thought that the House had some right to complain, that when they expected nothing but the presentation of a petition, the hon. Gentleman should take them by surprise and make a Motion for an Address of which he had not given notice.

Motion withdrawn. House counted out, and adjourned at half-past eight o'clock.

HOUSE OF COMMONS,

Wednesday, July 31, 1844.

MINUTES.] BILLS. *Public.*—1°. Thames Embankment; Arms (Ireland).
2°. Insolvent Debtors.
Reported.—Fisheries (Ireland).
3°. and passed:—Spirits (Ireland); Piccadilly Improvement; Woods and Forests Accounts; Clerks to Attorneys; Consolidated Fund (Appropriation); Slaughtering Horses.
Private.—1°. Lord Cranstoun's Estate.
2°. Hough's Divorce; Morton's Estate.
Reported. — Tralee Navigation and Harbour; South Sea Company; Leeds Vicarage; Gape's Divorce.
3°. and passed:—Lady Le Despencer's Estate; Ramsden's Estate; Harris's Estate; Grand Canal (Ireland).

PETITIONS PRESENTED. By Mr. M. J. O'Connell, from Ireland (40 Petitions), for Repeal of the Union.—By Mr. V. Smith, from Kettering, for Inquiry (the Bahama Islands). — By Mr. Bouverie, from Stratton, St. Margaret's, Wiltshire, for Repeal of the Corn Laws; and by Mr. C. Burrell, from Horsham, against the same.—By Mr. Wyse, from Lismore, against Charitable Bequests Bill; and from Waterford, respecting the Constabulary Force (Ireland).—By Mr. Mackinnon, from J. Dean, for Amendment of Highway Act.—By several hon. Members (11), against Insolvent Debtors Bill.—By Mr. T. Duncombe, from Whitecross-street Prison, in favour of Insolvent Debtors Bill.

COUNTING OUT THE HOUSE.] On the Motion for the third reading of the Consolidated Fund (Appropriation) Bill.

Captain *Bernal* said, he wished to call public attention to the fact that the Bills which were now passing were not sanctioned by the House of Commons, as that assembly was merely nominal, and the few Members who assembled merely voted as a sort of registry court for Government purposes. What was the case last night? The hon. Member for Cirencester, though there was a tacit agreement at this period of the Session that Members of neither side should resort to the practice of counting out, took the opportunity of availing himself of that expedient. He had no fault to find with the hon. Member, as he was probably only labouring in his vocation; but it was a pity that a Gentleman, who was noted for his powers of calculation, should accept so humble an office as a Government counter. Were he disposed to follow such an example, it would be in his power to prolong the Session for some days, and, should he adopt this course, he must remind the House the hon. Member for Cirencester would be the party to blame.

Sir *J. Graham* extremely regretted that the hon. Member should have taken offence at the circumstance which he referred to. So far as he was concerned, it was always his wish to do all in his power to give hon. Members every opportunity of bringing forward Motions which they had on the paper; but it was extremely difficult to keep a House at that period of the Session.

Mr. *Cripps* denied that he was a Government counter. He wished to absolve the Government from all share of responsibility; but with a House of thirty-three Members he thought it would not be right to raise an Irish debate, which would probably be of an angry character.

Bill read a third time and passed.

THE OUTRAGE AT TAHITI.] On the Motion that the dropped Orders of the Day be read,

Sir *C. Napier* said, I wish to take the present opportunity of asking a question of the right hon. Baronet at the head of Her Majesty's Government, on a matter of some importance to the character and reputation of this country, and though I have not given the right hon. Baronet notice of the question, it relates to circumstances of such public notoriety, that I trust he will be able to give me an answer without its embarrassing Her Majesty's Government. The question I have to put is, whether it is true that the British Consul at Tahiti has been arrested, under the name of the man Pritchard, by the French authorities; also whether an order has been given that the lights of the English residents there are to be put out at eight o'clock at night; whether the French have erected strong fortifications there, and whether the Queen has been obliged to leave Papeete to take refuge on board a British ship? I wish also to ask the right hon. Baronet whether, when these transactions were in progress, we had any naval force at the island, and what was its extent.

Sir *R. Peel:* Though the hon. and gallant Officer did not give me notice of his question, yet two hon. Members, the noble Lord the Member for Dorsetshire, and the hon. Member for Evesham, did notify to me their intention to ask similar questions; and since the hon. and gallant Officer has asked the question, I am sure they will excuse me if I take this opportunity of answering their questions in reply to that which has been put by the hon. and gallant Gentleman. I shall limit myself to a statement of facts, with respect to that which I conceive to be of most importance, the removal of the British Consul at Tahiti. We have received accounts from Tahiti, and presuming on the accuracy of these accounts, which I have no reason whatever to call in question, I do not hesitate to say that a gross outrage, accompanied with gross indignity, has been committed upon that functionary. Her Majesty's Government received information of that on Monday last, and the first opportunity was taken of making those communications to the French Government which Her Majesty's Government considered the circumstances of the case to call for. That outrage was committed by a person in temporary authority at Papeete. We know that, in fact, it was not committed in consequence of any authority given for that purpose by the French Government; and I must presume, therefore—assuming that the statements we have received are correct—I must presume that the French Government will at once make that reparation which this country has a right to require. I trust I shall not be pressed for any further answer.

Sir *C. Napier* said, there was one part of his question which the right hon. Baronet had not answered—whether we had a proper naval force at Tahiti at the time this took place, and whether the French had erected fortifications.

Sir *R. Peel*: I have already given the hon. and gallant Officer an answer to the extent I thought necessary.

POOR LAW (SCOTLAND)—PAUPER LUNATICS]. Mr. *Bouverie* asked whether it were the intention of the Government to introduce any measure during the next Session of Parliament, founded on the Report of the Commissioners of Poor Laws for Scotland?

Sir *J. Graham* said, he must decline giving any answer at present to the question, for, he frankly confessed, he had not yet had time to read the very voluminous evidence contained in the Report. That evidence and Report consisted of three large volumes, the perusal of which was in itself difficult enough, but to weigh the evidence was a still more serious matter. It would be his duty to give his best considerations to the subject, but he must decline to pledge himself to any course. He would avail himself of that opportunity to offer to the House an explanation on a subject which had been adverted to during the discussion on the Motion of his noble Friend the Member for Dorsetshire, on the subject of pauper lunatics. The hon. Member for Lambeth had, during that debate, quoted a passage from the Report which had been alluded to by the hon. Member for Kilmarnock, describing, in most feeling terms, the melancholy state of some pauper lunatics in the Isle of Arran. He had immediately called the attention of the Lord Advocate to the subject, and he had great satisfaction in stating to the House that nine months ago active measures had been taken to redress some of these evils. The pauper lunatics were immediately removed from Arran to the Glasgow asylum. Steps had been taken to bring to justice the offending parties; in fact, criminal proceedings were in progress against them. Farther, the Lord Advocate, through the Sheriff of the county, had taken ample precautions against the recurrence of such evils.

SLAUGHTER OF HORSES]. Mr. *Cowper* moved that this Bill be read a third time.

Mr. *T. Duncombe* said, the Bill had undergone considerable alterations in Committee. He had made various inquiries of several parties connected with the business of Slaughtering Horses, and the House would be glad to hear that the statements of the cruelties which they had heard on the last discussion were unfounded. Those statements had been quoted from a pamphlet published by the Society for the Prevention of Cruelty to Animals; but, there was a rival society in existence, called the "National Animals' Friend Society," and it was owing to the rivalry of these societies that these exaggerated statements had gone forth to the public. He objected to the 4th Clause, because it gave power to the police to call upon the inspector to accompany them to these knackers' yards whenever they pleased; and he equally objected to the 6th Clause, which imposed a penalty on the inspector of 40*l.* if he refused to do so. He thought it was uncalled for, and unjust that the inspector should be at the beck and call of the police without any fee or reward. He should move the striking out of the objectionable words of the Clause.

The House divided on the question, that the words proposed to be left out stand part of the Bill:—Ayes 33: Noes 60: Majority 27.

List of the AYES.

Ainsworth, P.
Beresford, Major
Borthwick, P.
Bowring, Dr.
Brotherton, J.
Douglas, Sir H.
Dundas, Adm.
Entwisle, W.
Ewart, W.
Fleetwood, Sir P. H.
Hill, Lord M.
Ingestre, Visct.
Lygon, hon. G.
McGeachy, F. A.
Mackinnon, W. A.
Mitchell, T. A.
Newdegate, C. N.
O'Brien, A. S.
O'Connell, M. J.
O'Ferrall, R. M.
Ogle, S. C. H.
Palmerston, Visct.
Pechell, Capt.
Plumridge, Capt.
Polhill, F.
Round, J.
Shaw, rt. hon. F.
Sheil, rt. hn. R. L.
Smith, rt. hn. R. V.
Troubridge, Sir E. T.
Wrightson, W. B.
Wyse, T.
Yorke, H. R.

TELLERS.
Cowper, hon. W. F.
Manners, Lord J.

List of the NOES.

Acland, T. D.
Aldam, W.
Beckett, W.
Blackburne, J. I.
Boldero, H. G.
Bouverie, hn. E. P.
Bowles, Adm.
Bright, J.
Broadley, H.
Burrell, Sir C. M.
Chelsea, Visct.
Chetwode, Sir J.
Chute, W. L. W.
Clerk, Sir G.
Clive, hn. R. H.
Cockburn, rt.hn.SirG.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Dennistoun, J.
Eliot, Lord
Escott, B.
Forman, T. S.
Forster, M.
Fuller, A. E.
Gaskell, J. Milnes
Gibson, T. M.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt.hon.Sir J.
Greene, T.
Hamilton, Lord C.
Harcourt, G. G.
Hardy, J.
Heathcote, G. J.
Henley, J. W.
Hope, hon. C.
Jermyn, Earl
Lincoln, Earl of
Marsham, Visct.
Meynell, Capt.
Mildmay, H. St. J.
Napier, Sir C.
Norreys, Lord
Palmer, G.
Peel, rt. hon. Sir R.
Pringle, A.
Rushbrooke, Col.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Spooner, R.
Stuart, H.
Sturt, H. C.
Sutton, hon. H. M.
Thesiger, Sir F.
Thornhill, G.
Trench, Sir F. W.
Villiers, hon. C.
Wall, C. B.
Wawn, J. T.
Young, J.

TELLERS.
Duncombe, T.
Hawes, B.

Words struck out.
Bill passed.

CAPTAIN WARNER'S INVENTION.] Viscount *Ingestre* assured the House he rose with the utmost reluctance to make the Motion of which he had given notice; first, because no one was more fully aware of the importance of the subject than himself; and secondly, because, in regard to inventions of this character, he had always felt that that House was the last place in which they ought to be discussed. The question of these inventions had been more or less before the country for a period of nearly or quite ten years, and for about half that time he had been in a great measure acquainted with the history of them. During that period he had tried, to the best of his abilities, both with the late and present Governments, and without any reference to party feeling, to have these inventions properly investigated by the Government, and, if approved, to secure them for the country without bringing them before the House of Commons. In his opinion these inventions were of paramount importance to the nation. For a long time he had been subjected to ridicule on account of his sentiments regarding these inventions, but notwithstanding that, and notwithstanding all the obstacles that had been thrown in his way, he was impelled by a paramount sense of duty towards his country to bring the question forward. He trusted the House would give him credit for that being the only sentiment by which he was actuated. He would now trace as briefly as he could the history of the matter. And first as regarded himself. In 1839 or 1840, he saw a paragraph in a newspaper, which, although couched in a very guarded manner, still attracted his observation, and in consequence he was induced to make further inquiry. He went to the office of the paper, and saw the editor, who told him that the paragraph had been put in by a private gentleman, whom he would refer to him (Viscount Ingestre). In consequence of this, certain parties waited upon him, and ultimately he was introduced to Captain Warner. He then inquired into the circumstance, and having taken great pains, he felt bound to say that he discovered great reason for further inquiry. The more he had inquired, the more he had found corroborative of what he believed to be the truth, and he was, therefore, determined not to lose a single opportunity of raising the question of this invention until it was proved to be of the greatest possible importance to this as a maritime country, or to be one of the grossest impositions ever palmed off. One or the other of these two it must be; but he was convinced that the former would be the proper appellation to bestow upon it. The first word that was heard of the invention was from Mr. Lukin, who held some situation in the War Office, and who happened to be in the country when Mr. Warner was testing the powers of his invention. Mr. Lukin thought it his duty to inform the late Sir Herbert Taylor, who in turn conceived himself bound to lay the circumstances before his late Majesty William IV. That revered and gracious Monarch, who yielded to no one in attachment to his country and its maritime interests, at once conceived, when he saw the invention, the same idea which he entertained of its vast importance. After much personal inquiry and investigation, the King thought it right to consult some high naval authority, and he referred to Sir Richard Keats, a man whose distinguished services were well known to the House and the country. That officer was deputed to inquire more fully into the invention, and there was reason to believe that his report was strongly in favour of securing it for the country. Sir Richard Keats, not content with his own opinion, called upon Sir Thomas Hardy, whose name could not be mentioned without the highest respect. Those two officers, he believed, fully concurred in their estimate of the vast importance of the discovery to the country, and reported to the Government of that day their opinion. It was a most unfortunate thing that these reports had been mislaid, but that they had existed, he had indirect evidence in his intercourse with Lord Melbourne. He presumed his right hon. Friend the Home Secretary would have no objection to state if any report was made to him in his then official capacity. Those reports were made in writing, and there was abundant evidence that there had been for two or three years constant intercourse between His Majesty and Captain Warner, and between Sir Richard Keats, Sir Thomas Hardy, and Captain Warner. Those were facts easily proved. Nothing, indeed, was easier than to say that the authorities quoted in favour of these inventions were now no more; but that was not the fault of the inventor; it was only a matter of regret that the services of such men had been lost to the country. With respect to the magnitude of the invention, he contended that because it was extraordinary, it was not therefore to be treated as merely visionary, or set down as the produce of the brain of an impostor. Hon. Members must recollect the introduction of steam, and gas, and railways. Let them then look back for twenty years and say whether, if any one had then asserted that some of the things now daily taking place were practicable, he would not have been treated as a visionary. Looking back still further at the invention of gunpowder, he contended that any person who before that era should have alleged that it was possible to fire from a tube an iron ball, weighing fifteen or twenty pounds, the distance of a mile, he would have been treated as the grossest impostor. That was the fate of all who invented anything out of the common way. But the truth would ultimately prevail, and he had no doubt that the truth of this invention would ultimately show itself. It had been thrown out as a reproach against Captain Warner, that he went to Portugal with the knowledge of William IV., during the war between Don Pedro and Don Miguel, and that he made a compact with Don Pedro to fit out a ship with stores, which he had not carried into effect; but it could be proved that it was by desire of his late Majesty. It had been proposed to bring the matter before the House, but that was prevented by the right hon. Baronet the Home Secretary, then First Lord of the Admiralty, on account of the secrecy it was desirable to preserve. A Committee was then appointed, of which Sir Robert Stopford was Chairman, but that officer thought the Committee too numerous for disclosures of that kind, and so the affair terminated. That was about the year 1832, when the Reform Bill was in the height of discussion, and his late Majesty thought it imprudent that such a matter should be committed to a Ministry when there was not a prospect of their remaining long in office, and considered that the subject had better stand over until the Government had assumed a more settled form. The present hon. Member for the county of Surrey having been informed upon the subject, waited upon Lord Melbourne, then Prime Minister, and asked him to investigate the matter. Lord Melbourne, being a civilian, very properly consulted the Board of Admiralty, who applied to the inventor. Captain Warner said he could not disclose the matter to any board in the country, constituted as boards were, of several members, with clerks and other officials, for it would then be impossible to maintain the desired secrecy. [Captain *Pechell*: "Hear."] The hon. and gallant Member cheered; but he (Viscount Ingestre) did not allude to the Board of Admiralty in particular, but spoke of the constitution of all boards. It was then thought that Lord Melbourne could not enter upon a subject of the kind without an opinion of some weight as a naval authority, and the person referred to was a very gallant, although an humble officer, Lieutenant Webster, who had been seventeen times in actions, and amongst others in the battle of Trafalgar. It was then said that Lieutenant Webster was a nominee of Captain Warner; but that was not the case, for to the best of his (Viscount Ingestre's) belief, Lieutenant Webster was not known to Captain Warner until after the appointment. Captain Warner had heard of him as a distinguished officer who had seen a great deal of practical service, and whose opinion was likely to have weight. Lieutenant Webster made his Report, and it was received at the Admiralty marked "Confidential," and it was opened by one of the Lords, not being that Lord to whom it was addressed, and who read it aloud, treating the whole affair with contempt. That surely was not the way to treat matters of such a nature. If confidence were expected, it ought to be given and that was not the proper way to treat a communication, even if trivial, if sent in confidence. This Report of Lieutenant Webster, corroborating the opinion of Sir Thomas Hardy's strongly expressed, that nothing could stand against this invention, was treated with derision, and was thought to have been brought about by collusion between Captain Warner and Lieutenant Webster. That he distinctly denied. It was the report of an honest man, who desired to do his duty to his country. Then it was said that Lieutenant Webster was insane, that Sir Richard Keats was in his dotage, and that Sir Thomas Hardy only yielded to him from habits of intimacy and respect. Was it to be thought that an officer like Sir T. Hardy would, in a matter entrusted to him by his Sovereign, suffer himself to be guided by a man he supposed to be in his dotage? He (Viscount Ingestre) now came to the part he had taken in the transaction. After Lieutenant Webster's Report was made, which was on September 16, 1839, Lord Melbourne repeatedly sent to the Admiralty and called there to obtain that Report, but it was never sent to him; and in 1840 there was no Report from the Admiralty. He omitted to say that it was suggested that the opinion of the Board of Ordnance should be taken. Sir Hussey Vivian was then Master General, and when asked his opinion he treated the matter with ridicule, saying that he was incompetent to give an opinion. He waited upon Sir Hussey Vivian, who was under the impression he believed that Captain Warner was mad, and that he (Viscount Ingestre) was very little better. He had not found that out yet, however, although he certainly did entertain very strong opinions regarding this invention. The noble Lord read a letter from Captain Warner to the hon. Member for Hertford, private Secretary to Lord Melbourne, dated the 3rd of February, 1840; the substance of which was, after acknowledging the receipt of a letter dated the 1st of February, that it was then six years since his project had been entertained, that for a third of that time Sir R. Keats had investigated the discovery, and there were documents which showed his high estimation of its value, an opinion shared by Sir T. Hardy and His late Majesty. The letter then cited the Report of Lieutenant Webster, and stated that plans and details had been laid before Lord Melbourne, which had satisfied him not only of the importance and formidable character of the invention, but that prejudicial results would follow to Great Britain if it should be in the hands of a foreign power. The willingness of the writer was expressed to wait, in company with Lieutenant Webster, upon the Lords of the Admiralty, and give them every information, and also the consent of Captain Warner to the addition of Sir Hussey Vivian, provided that reference was to be final, and Lieutenant Webster were allowed to be present, who, as a naval officer, would be able to give elucidations in confidence. Finding matters in this state, he, after examining a variety of documents, was convinced it was a matter requiring further investigation, and waited repeatedly upon Lord Melbourne, stating his hope, that however opposed generally to his Lordship's Government in politics, he might be believed to have no party feeling on the subject, and offered his services and assistance in gaining an insight into the matter, at the same time imploring his Lordship not to turn into ridicule that which might prove of the greatest importance to the country. He was sure that Lord Melbourne attached great importance to the subject, if it were only from his allowing him to tease him upon it in the midst of his various and important duties as Prime Minister. However, he tried in vain to persuade his Lordship to appoint a Committee, or to do more than refer him from one place to another until he was very nearly tired out. He then suggested to Captain Warner that the better plan would be to make an experiment on a small scale, and that one or two officers of distinction, whose opinions would have weight in the country, should witness it. He then requested his noble Friend Lord Hardwicke to be one, and also the hon. Member for Ripon, who was not then in the House, but whose opinion would have great influence. On the 28th of July, 1840, an experiment on a smaller scale, still similar in effect to what was witnessed at Brighton the other day by a large concourse of people, was performed in a lake at Wanstead. No person who witnessed that experiment could doubt the efficacy of the agency employed. There could be no doubt about it. It was made in the presence of a right hon. and gallant Admiral, who authorised him to state his opinion to Lord Melbourne, that nothing could resist the power that was then brought into action; he also went the length of saying that no Prime Minister of this country could resist an investigation into a matter of such importance. It was his opinion that no description of vessel, whether propelled by sails or steam, against which this explosive matter was brought in contact could resist its force. He was glad to have evidence of so high a character to refer to, because it at once reduced the thing to a mere question of applicability. Now, he was prepared to say that it was most perfectly applicable under every variety of circumstances that a ship could be placed in; and that fact alone gave the matter a character of importance. He now stated, in the face of many officers on both sides of the House, and in the face of the country, that from his knowledge he was convinced of its practicability, and he would defy any one to prove to the contrary. In stating this to the House, he was stating it in the face of Europe and of all the world. He was continually urging the Government of that day to look into the matter, but it was always put off from time to time, and that at length brought him to the year 1841, when the late Member for Wiltshire, Sir Francis Burdett, heard of the subject, and who, with that public spirit which he always evinced, took a great interest in it, and made a Motion respecting it. He said that it would be more satisfactory to him if he could witness an experiment of a similar nature to that which had been made in 1840. In consequence, chiefly of that request, Captain Warner performed another experiment in the month of February, 1841. He (Lord Ingestre) on that occasion offered the same kind of advice to Captain Warner as he had done on the former occasion. He said to Captain Warner, "if you cannot get any persons belonging to the Government to witness your experiment, let me persuade you to have a few men of rank and station present, whose character, whether in office or out of office, would carry great weight with the country, and who, if any change of Ministry should take place, would most likely be put in office." Captain Warner adopted that advice, and accordingly there were present at the experiment Sir H. Hardinge, the present Governor General of India, Sir G. Murray, the present Master of the Ordnance, and his right hon. Friend Sir George Cockburn; and all these could give evidence to the enormous power which they witnessed to have been displayed by Captain Warner on that occasion. This explosive power having thus been proved by so many experiments, the whole matter, as he had before said, resolved itself into that of its applicability and portability. He would now proceed with his narrative A short time after the experiment thus made at the suggestion of Sir F. Burdett, a change of Ministry took place, and in August or September, 1841, a new Parliament was elected; and he still feeling strongly on the subject, waited on his right hon. Friend (Sir R. Peel), who received him with the greatest possible kindness. He entreated his right hon. Friend not to allow a matter of this importance to escape his attention. His right hon. Friend said that he would not, but added, that as he was a civilian, he was bound in duty to consult those departments of the service to which the subject more immediately had relation. He did not complain of this, nor did he wish to make any attack on Her Majesty's Government; but he must be permitted to say, that he thought it was most unfortunate for this country, and that it was one of the penalties which we paid for the great freedom and latitude we enjoyed in other matters, that questions of this sort must be looked at through departmental authorities, whereby matters of the greatest importance were often fritted away. He was disposed to think that this had been the case with regard to the present subject. The result of his interview with his right hon. Friend was, that his right hon. Friend consulted the officers at the head of the particular department to which the subject was considered to refer, namely, to Sir George Murray, and also the gallant Admiral near him (Sir George Cockburn). Shortly afterwards a negotiation was opened through the intervention of Lord Hardwicke, which resulted in certain conditions being proposed to Captain Warner, which in general terms he assented to. In consequence of that proposition, a memorandum was drawn up by Sir George Murray, the terms of which were most perspicuous. It was a most able document, and did infinite credit both to the head and heart of that gallant Officer. Captain Warner expressed himself perfectly satisfied with the terms proposed. This memorandum was to be the basis of all the experiments that were to be made, and it ran in these words:—

"There are three points to be attended to in considering Mr. Warner's discovery;—1. Its powers. 2. The degree of safety and of facility with which it may be applied to useful purposes—naval, military, or any other. 3. The detriment which might result from allowing the discovery to be communicated to any other state in consequence of the neglect of it by the British Government. The discovery is the property of Mr. Warner; he has become possessed of that property through much bodily and mental labour, and large pecuniary sacrifices. He estimates it at a high value, and his opinions on that head claim considerable confidence. 1. On account of his intelligence. 2. On accouut of his practical knowledge and experience, especially in matters connected with naval affairs; and, 3. From the frankness he has shown in making disclosures and in exhibiting experiments, for the purpose of enabling others to form some judgment of the value of his secret. There appear to be but two modes of treating Mr. Warner open to the Government, either to intimate to him at once its total diregard of his discovery, thereby leaving him at liberty to pursue his own course respecting it, or to come to an understanding with him, as to a series of experiments to be made, under the inspection of competent persons, in order to satisfy the Government of the powerfulness of Mr. Warner's invention, of its applicability to purposes warrantable and useful, and of the detriment that might result from the neglect of the discovery and the discoverer. But in determining upon the nature of the experiments to be made, and upon the individuals to be appointed by Government to judge of, and report on them, every reasonable security must be afforded to Mr. Warner against the forfeiture of his property (this secret) without the certainty of a reward proportionate to the value which the proposed investigation of its merits may indicate that it possesses. With regard to the expense of the experiments proposed to be made it would seem, for the following reasons, to be very fit that it should be borne by the Government to an extent determined previously by estimate. The first reason why the expense should be borne by Government is, that experiments appear to have been already made by Mr. Warner after communication with His late Majesty, and to have been reported upon by persons authorised by His Majesty to judge of, and to report upon them; but in consequence of the demise of the King, the death of the persons authorised to report, and the unsucessfulness hitherto of the search made for that document, the fruit of these experiments has been wholly lost, both to Mr. Warner and to the public. Should it be deemed worth while to renew the investigation of the subject therefore on public grounds, it does not appear just that any part of the expense of doing so should be thrown upon Mr. Warner. The second reason why the expense should be borne by the Government is, that the magnitude and importance of the results, in a nautical point of view, which are supposed to be connected with Mr. Warner's discovery, and the limitations to be required as to its application, take it out of the sphere of those inventions which can be of limited utility only to the public, although their adoption for public purposes may be the means of remunerating and of sufficiently rewarding the individual inventor; whereas in the case of Mr. Warner's invention it is possible that Government might deem it advisable to acquire a property in the discovery only to obtain a right to exclude it from publicity."

This memorandum was first placed in the hands of Captain Warner by Lord Hardwicke; Captain Warner consented to it and invariably adhered to its provisions. Every one would concur with him that it was a very explicit, very able, and very just document. It evinced a disposition on the part of the Government to deal most fairly with Captain Warner. In consequence of this memorandum being agreed to as the basis of a negotiation, a Commission was appointed to superintend the experiments, consisting of Sir Edward Owen and Sir Howard Douglas. Captain Warner agreed to this, and was delighted to have those two eminent men appointed to investigate his operations. But he added:—

"I am not to be expected to disclose more to those two hon. and gallant Commissioners than the general nature of my project, without some guarantee being given as to the remuneration I am to receive if my plan is approved of."

It happened that soon after,—the 2nd of March—it was notified that Sir Edward Owen was to proceed to the Mediterranean and Sir Byam Martin was accordingly substituted in his stead. Captain Warner also agreed to this. Sir Byam Martin was prevented by indisposition from entering upon his duties, but previously to that a great delay had occurred in consequence of the attendance of Sir Howard Douglas at Liverpool as a candidate to represent that town in the room of Mr. Cresswell, who had been elevated to the Bench. These occurrences brought the matter down to a late date, causing, as they did, a great loss of time. A communication in the meantime took place between the Government and Captain Warner, in the course of which, Captain Warner stated that he was willing to abide by the agreement laid down by Sir George Murray, in the memorandum communicated to him (Captain Warner) by Lord Hardwicke, but begging that either Lord Hardwicke or himself (Lord Ingestre) should be appointed as one of the Commissioners, in order that there should be no unnecessary delay in making the experiments. It was hardly necessary for him to say, that if either he or Lord Hardwicke had been appointed they would have given a candid opinion as to the merits of the discovery of Captain Warner, without reference to any preconceived opinions they might have entertained on the subject. In answer to that letter, Sir George Murray said that there did not appear to him to be any reason why Lord Hardwicke or Lord Ingestre should be joined with Sir Byam Martin, to decide upon his (Captain Warner's) discovery. He was given to understand that the gallant Member for Liverpool (Sir Howard Douglas) and Sir Byam Martin, applied to Captain Warner for an explanation of the *modus operandi*, whereupon Captain Warner requested to know what remuneration he was to receive. But upon all questions of this sort, Captain Warner said,

"I wish success to be the test of what I am to receive. If I succeed in what I undertake to perform, let me be rewarded; but if I do not succeed, give me nothing."

That, he (Lord Ingestre) conceived, was a very fair proposition. The Commissioners said that they had no power to assign any amount of remuneration, and were not authorised to do more than take a professional view of the question. On the 6th of May, 1842, Captain Warner waived his proposition for a direct remuneration, but said that he should be satisfied if the Premier would promise that, in the event of his (Captain Warner's) making good his discovery, he (the Premier) would undertake to recommend to Parliament a sum to be previously agreed upon. He mentioned these circumstances because it enabled him to go step by step in the narrative of these negotiations between Captain Warner and the Government. First of all a charge was thrown out in the course of a debate which took place two years ago, that Captain Warner had asked for the sum of 400,000*l*. [Sir *R. Peel*: "Hear."] The right hon. Baronet did himself, in the course of that debate, make such a statement, and he had no doubt that the right hon. Baronet, when making it, most fully believed it to be true; but he was convinced that the right hon. Baronet was labouring under some misconception at the time. It was needless for him to state that he put the most implicit faith in any statement which was made by the right hon. Baronet; but he (Lord Ingestre) believed that when the right hon.

Baronet made that statement, it was made without his having referred to all the facts of the case. Shortly after (in May, 1842), a letter was addressed by Captain Warner to the right hon. Baronet (Sir R. Peel), in which he proposed to leave the question of remuneration entirely to his own arbitration. The right hon. Baronet said he had referred the whole matter to the Master General of the Ordnance (Sir George Murray), to whom he requested Captain Warner to make all future communications. Upon the receipt of that letter, Captain Warner solicited an interview with Sir George Murray, in order to demonstrate the inexpediency of the plan pressed upon him by the Commission; the Commissioners having laid down certain experiments which they thought were necessary to demonstrate the truth of Captain Warner's proposition, and the existence of that power which Captain Warner asserted that he possessed. The hon. and gallant General (Sir Howard Douglas) had on one occasion, he (Lord Ingestre) was informed, during his continuance on the Commission, and after Captain Warner had shown him to a certain extent how to apply this power, exclaimed, "Why, it is so very simple there is no reason why I could not do the same;" and the hon. and gallant General had recently said that he could perform the same operation as was performed the other day at Brighton. He (Lord Ingestre) would be very glad to see the hon. and gallant Officer do it; he would gladly provide a ship for the hon. and gallant Officer if he would attempt the experiment. But he was certain that the hon. and gallant Officer could not do anything like it. It was quite evident to all who had witnessed the experiments that they had nothing whatever to do with gunpowder. This was evident, first, from the way the explosion took place; secondly, from the decks of the ship not having been blown up; and, thirdly, that there was no charring or burning of any part of the wood. Captain Warner wrote to complain of what was stated by the hon. and gallant General; and he regretted that the gallant General should have so prejudged the case. He must have done it in the warmth of the moment, for there was not a more worthy member of that service in which he held so high and distinguished a position in this country. When Captain Warner solicited an interview with Sir George Murray, he received an answer from that hon. and gallant Officer, stating that he was indisposed, and begging that any proposition he wished to submit should be made in writing. Captain Warner's argument was this:—

> "The Commissioners (he said) call upon me to adopt a series of experiments, which, from their want of knowledge of the thing they had to deal with, would incur an unnecessary expense, and also lead to a disclosure of my discovery. I am perfectly willing to comply with the request of the Commissioners if the Government will undertake the risk of incurring the expense necessary to carry out the experiment."

Captain Warner offered, over and over again, to lay before the Cabinet the whole matter, and take their orders what he was to do, either before the Commissioners or not. This communication took place before August, 1842. He now arrived at the Motion of Sir Francis Burdett, on the 4th of August, 1842. He was at that time out of the country, or he should have said that it was a very unwise proceeding to bring it on at all, because no one was prepared to correct the misapprehensions which prevailed in the public mind at that time. After that debate, the hon. and gallant General and Sir Byam Martin threw up the Commission. In that debate the hon. and gallant General (Sir Howard Douglas) took a very prominent part, and threw out sneers and insinuations, as to the manner in which Captain Warner's former experiments had been conducted. The hon. and gallant Member indulged in certain contemptuous phrases, of not being a party "to the blowing up of punts in a fish pond." ["Hear."] He could assure the hon. and gallant Member for Brighton, who cheered, that much more able experiments had been made than was performed off the town which the hon. and gallant Member so ably represented. He thought that, as a Commissioner, it was the business of the hon. and gallant General to have inquired into the matter, and that any one who was appointed a Member of a confidential Commission ought to be very careful what he stated, either in public or in private, relating to what had been laid before him as a Member of that Commission. He must take the liberty of remarking that it was a very hard case that the seal of secrecy should be taken off the moment that the Commissioners' duties ended. If he were appointed on a Commission, he should feel it his duty to withhold any information he might possess, unless he were applied to by the parties whose interests had been confided to him. On the 4th of July, 1842, Sir George Murray wrote to Captain Warner, offering to lay before the Government any modification of the terms of his (Sir George Murray's) memorandum which Captain Warner might wish to propose. On the 5th of July, 1842, Captain Warner proposed either to make an unreserved disclosure of his plan to the right hon. Baronet at the head of the Government, and to Sir George Murray, leaving the question of remuneration entirely to them; or secondly, referring the matter to a Select Committee of the Cabinet, leaving it to them to say what experiments should be adopted. These offers were, he would not say rejected, but were treated with indifference. As soon after this debate as possible, he waited upon the right hon. Baronet at the head of Her Majesty's Government, and that right hon. Gentleman, after all that had taken place in the debate, and after a very intemperate letter which Captain Warner had written, owing to certain aspersions which were thrown on his character in the course of that debate, and which reflected on him in no very measured terms—after all this the right hon. Baronet was kind enough to say that the matter should be again referred for consideration. It was so, and two other Commissioners were appointed. He had not the honour of knowing either of them. He believed Colonel Chaloner was a very upright man, nor had he any reason to hold a different opinion of Captain Caffin. He must, however, here remark, that one of these gentlemen was known to be a disciple of Sir Thomas Hastings, who entertained a very strong opinion against Captain Warner's discovery. That gallant Officer held a high position in the service, which he had attained very honourably to himself, and with credit to the profession of which he was an ornament. That Commission being appointed, they called upon Captain Warner to make an estimate of the experiment, which they considered necessary to form their opinion. That was perfectly right. Captain Warner prepared an estimate at 2,500*l.* He was then called upon to make a more detailed statement. He did so, making it very nearly approach that sum; but he said, at the same time, when the Commissioners objected to the amount stated,

> "I am called upon in making this experiment to perform what you, not knowing anything about the mode of operation, ask me to do. I think when I go a little way in the matter with you, you will see that it is not necessary that all this expense should be incurred."

An old hulk of the brig Forester was one expense, which cost between 400*l.* and 500*l.*, and then there was the hire of a steamer for a month. It was quite obvious that if the experiment had been made at first, the expense of a steamer would have been avoided. After this correspondence, and after six months had elapsed the Commissioners offered to give Captain Warner 500*l.* to carry out the experiment. He naturally said,

> "I wish you had told me this six months before, because I should have told you that, as an honest man, I could not do it. But if there is any difficulty to entrust me with the necessary amount, entrust it to some other persons, who may see it well applied."

He contended that Captain Warner had not in the least shrunk from making this experiment. All he required was the word of the Government, that, if his experiment was successful, he should have a proper remuneration. That was a very different thing from asking for 400,000*l.* for his invention, which he admitted Captain Warner did in the first instance. Captain Warner had two inventions, each of which he estimated at 200,000*l.* That was the first blush of the matter. But afterwards he said he was prepared to leave the question of remuneration entirely to the arbitration of Government. Captain Warner was anxious to secure this invention to his own country. He could prove that very large sums had been offered to him by other Powers for his discovery. He was anxious to state the truth on this matter, and the whole truth: he did not wish to conceal a single point in reference to this question; and he must read a portion of a letter, addressed by Captain Warner, on the 9th of September, 1842, shortly after the renewal of the negociation, to Sir George Murray, in which he stated his own case:—

> "In the last letter I had the honour to receive from you, dated July 4th, you requested me to point out any mode I could suggest capable of testing any inventions with satisfaction to Her Majesty's Government, and at the same time with safety to the preservation of my secret. To this I immediately replied by suggesting what I humbly conceived would be the most advisable course to take with regard to the investigation of my inventions. I have not been honoured with any answer to my letter; but I presume to address you once more in compliance with an intimation to that

effect from Sir Robert Peel, upon the position in which I am placed; and as a considerable portion of that reserve for which I have been so severely censured and cruelly misrepresented, has been maintained by me in pursuance of your recommendation to be cautious in my disclosures, I feel myself entitled respectfully to claim your protection. I will not trouble you with a repetition of my former letters but beg you to re-peruse them, and you will then see how much my meaning and wishes have been misapprehended, even by Sir Robert Peel himself, as to my stipulations for remuneration, and unwillingness to exhibit experiments. In my last letter to Sir Robert Peel, as well as in my last address to yourself, I distinctly left the whole question of remuneration to Sir Robert Peel, feeling satisfied that I might safely rely upon him and the country for an adequate reward, whenever the value of my discoveries should be duly understood. It was, therefore, with no ordinary pain that I heard it stated in the House of Commons that I insisted upon receiving the sum of 400,000*l.* before I would make any disclosures whatever. This is a most erroneous statement; but this and many unfounded charges have been circulated in the public newspapers in every varied form of derision and abuse. With respect to some misrepresentation, made by Mr. Brotherton in the House, I did send a refutation of them by means of documents in my possession, to Sir Robert Peel; but the larger portion of the calumny heaped upon me I bore in silence, determined to await the return of Lord Ingestre to this country, his Lordship having been unluckily absent from England when the charges in question were made in the House, and then take his Lordship's advice as to the course I should adopt. Lord Ingestre, who has been a firm friend to me from the first hour I was introduced to him, did me the honour to address Sir Robert Peel, and solicit an interview, at which his Lordship might in confidence disclose the great danger of making experiments in the way I have been pressed to do, and also explain how unfounded were the many reports put in circulation against me. Sir R. Peel replied to Lord Ingestre's communication by recommending my writing to yourself, and it is in pursuance of that recommendation I now venture once more to address you. With respect to the invention which I have designated "Long Range," you are yourself aware how easy it would be for me to convey any number of my shells into any fortification or town at any given distance, from half a mile to six miles. With this power I could also approach any town or battery in the night time unperceived by an enemy, and throw in my shells in a way which I have explained to you, without the chance of the party attacked being able to tell whence they came. I allude to my spike shells, the form and weight of which you have seen. I will not, in addition to what I have already communicated to you, enlarge upon the destructive effects I can accomplish against fleets and ships at sea, but will remind you of the peculiar formation of a ship, a sketch of which I showed you, with which I could go boldly alongside any line-of-battle ship and give her a broadside point blank with 100 of my 24lb. shells, repeating the flight, if necessary, within a minute. I also beg to remind you of the construction of a gun I showed you. I was anxious, and still am so, to have had an interview with you and the Prime Minister, to explain to him that the charge made against me for bringing the negotiations to an abrupt close is incorrect, and that the reason was the utter incompatibility, from the nature of the things themselves, of performing the experiments I was called upon to make by the Commissioners. For instance, I was to repeat the experiment of the invisible shells three times in different depths of water. This with the same vessel is impossible. Again, I was ordered to exhibit my "Long Range" six times, which as you, who know the agent I employ in that operation, are aware, though easy to effect, would be unadvisable, as risking so much of disclosure as might supply hints to others how to employ instruments, if not so terrible as mine, still sufficient to travel great distances by the help of an agent at once so powerful, so simple, and so abundant. I am convinced that, with a proper previous understanding, the experiments in both these inventions might be so conducted as to give all reasonable trial of their powers, and at the same time avoid risk of disclosure. For instance, it would be easy for me to show, in the first place, the explosive power in my shells, and subsequently, they might be tried blank in every variety of depth of water and of weather, and made to show that a ship, in whatever circumstances placed, could not escape them; and also the ease and safety with which they might be handled. So also with the "Long Range;" I think it would be sufficient to show, by a series of experiments, my power of conveying missiles, with precision, the distances I assert; and, either before or after, give satisfactory proofs of the force of the explosive power contained within them. In short, then I am prepared to make any experiments that Sir Robert Peel, or the Cabinet, or yourself, may pronounce necessary; and have never objected to any but such as would risk the loss of life, the danger of disclosure, or were incompatible with the nature of my inventions, which some have thought to deal with as with a common shell charged with gunpowder, or the ordinary combustibles in common use. You have yourself repeatedly cautioned me to be most guarded in my reference even to the agent employed in accomplishing my "Long Range," but I hereby authorise you to disclose it in confidence to Sir Robert Peel, and he will then understand the reason for that reserve and reluctance to make repeated experiments, for which I have been so cruelly taunted by two hon. Members of the House of Commons. I never professed to be a theoretical man of science, nor represented myself as an officer in Her Majesty's Navy; but with respect to scientific attainments, Sir Howard Douglas commented on my want of them, as if I was a detected imposter, and Sir George Cockburn expressed his satisfaction that I was not an officer in the naval service of this country, as if I had been guilty of hoisting false colours. I am a plain practical man, who have hit upon inventions which you know are of great national importance, and I am sailor enough, though not in the Royal Navy, to know how to apply those inventions to the swift and sure destruction of the largest fleets and the strongest arsenals. Finally, Sir, I must appeal to you, after the explanations I have given youself, and the repeated injunctions you have laid upon me to be most guarded in my communications, to extend to me your protection so far as to set me right in the estimation of the Prime Minister, who sanctions my addressing you again, and before whom I have been, I apprehend, much misrepresented; I lay claim to no scientific education; on the contrary, I have disavowed again and again such pretensions; but I do lay claim to the possession of secrets of importance to my country, and much mistake the temper of the English nation, if they will suffer an important invention to be quashed by prejudice and ill-will, because the inventor is not a highly educated man, and does not bear a commission. I know it is the fate of all inventors to be treated with suspicion, and must not complain because I am not exempted from their common lot. I have endeavoured through now a long course of years, most trying, on account of pecuniary difficulties, but still more so from delays and cruel misrepresentations, to secure my inventions to my own country, which I am prepared to prove, if allowed to do so. If this, my last appeal to you for an interview, or at least, your communicating with Sir Robert Peel so far as to place me right in his estimation, and secure me other treatment than that of a reckless, unprincipled adventurer, fail, I must resign myself to a despair of ever devoting to the service of my native country inventions, to perfect and preserve which, I have laboured so long, and suffered so severely."

There was a great deal of good sense in these remarks. It would easily be understood by the House how difficult it was in a matter totally new to explain it briefly to any person. He was not sure that he had made his meaning very clear; but he was convinced that the matter might have been arranged, and he hoped that it might still be arranged, so that this invention might not be lost to the country. He was aware that he had incurred the sneers and the derision of many of his political friends; he could not help that. He had a duty to discharge which he owed to his country and to his own conscience; and that was to endeavour so to state this matter to the House that at least he might not accuse himself of having been instrumental in forcing this vast engine of power to leave this country, and, perhaps, being taken to hostile shores. In reference to the recent experiment at Brighton, he could not refrain from expressing his warm admiration of Mr. Soames, the great shipowner, who gave the vessel to be experimented on. He felt that the invention of Captain Warner might be of the utmost importance to the commerce of the country, and who had done what the Government would not do. Whether the invention were for good or for bad, the motives and public spirit of Mr. Soames deserved the highest applause. He apprehended that that experiment needed little description from him, it had already been described over and over again in the newspapers, and he might add, that the description in its general features was perfectly accurate. As to the document which had been published, signed by Captain Henderson, Captain Dickinson, and himself. Captain Henderson was, he believed, well known to an hon. and gallant Gentleman opposite. His opinion and that of Captain Dickinson were equally valuable, and there could not be a doubt after their testimony, of the terrific power displayed in the experiment at Brighton. It could be repeated in every variety of form, and under every circumstance of wind and tide. It had been too much the fashion to ridicule the importance of the invention, called "the invisible shell;" it had been always said, "We do not want to hear any more about your invisible shell," but let us see your "Long Range." He (Lord Ingestre) would state what could be done with the invisible shell; one single ship would by means of it be able to defend this country against the proudest fleet that ever was at sea. It would prevent any fleet getting out of any harbour or roadway: he would instance Toulon or Spithead, and any number of ships at anchor within those ports could be destroyed by a single ship without the possibilty of escape. Supposing this country were at war with France, which God forbid, the invention might be used effectually. He did not want any of the inventions to be employed. Providence, in its wise decrees, had allowed these destructive powers to be dissovered, and for ought he knew, the discovery of them might be the means of preventing war instead of promoting it; if Great Britain went to war she might say that she was content with her present means of maintaining her dominion of the sea; if she possessed this new power, she might never use it; but there was no reason why these inventors should be driven for their reward to foreign states. If these inventions were to be used, in God's name let them not go to other countries. As to the invisible shells, everybody knew that Brighton was an exposed place; it was very possible, in time of war, for French steamers to come over and bombard the town; it required very little experience to know that if the steamers approached within a certain distance, many parts of that splendid town might be laid in ashes. If Captain Warner's invention were resorted to, no steamer could approach the place. He challenged any man to prove the contrary. It was impossible to avoid the result, that if the French steamers came near Brighton, they would be destroyed. He felt strongly on this subject; and notwithstanding all the taunts and ridicule with which he had been assailed, he would state his conviction, his honestly entertained conviction. It had occasioned him a good deal of ill-will among his friends—he ought not perhaps to call it ill-will, but sneers and derision—not so bad as ill-will, but still not very pleasant. He had acted from a sense of duty to his country, and with no other object on earth. He regretted that he had been called upon to state the case, and wished that long ago it had been investigated, and that the invention had been secured to Great Britain, to be used against her enemies whenever the occasion should arise. He thanked the House for the attention it had paid to his statement, and moved for copies of the correspondence between Captain Warner and Government.

Sir *R. Peel* said, I beg to second the Motion of my noble Friend, for I am determined that the public shall at length be in possession of the correspondence respecting the invention of Captain Warner, and thus be enabled to judge why, after the correspondence I hold in my hand, inviting Captain Warner to exhibit his invention before professional men, the experiment has not been made. My noble Friend has spoken as if Captain Warner were placed much in the situation of the inventor of gunpowder—that he has been treated with ridicule, and deprived of the opportunity of bringing his invention to a fair test. I wish the public to judge whether that is a correct representation—whether the Government has not given Captain Warner every opportunity he could expect, consistently with those precautions, all will admit, Government ought to take in matters of the kind. I shall make no reference to what happened previous to my accession to office, farther than that I am bound to say, from what I have seen of the correspondence respecting the proposal of an experiment, that I do not believe the late Government treated Captain Warner in any other manner than the present Government has treated him. I do not believe that it desired to refuse Captain Warner a fair opportunity of exhibiting the effect of his invention; but those now present who were connected with the late Administration will be able to speak upon this point with greater authority. It is totally beside the question what opinion King William may have expressed; those who act upon official responsibility must judge for themselves, and public departments cannot adopt any man's opinions, but must employ their own means by the command they have over professional persons competent to arrive at a decision. If they come down here for a vote of public money for an invention, it is not merely the opinion of King William that will induce the House to grant it; the invention must have undergone the ordinary tests, and by them the House will be governed, and not by the opinion of King William. My noble Friend has stated correctly, that in 1841, shortly after the accession of the present Government, Captain Warner's proposals were renewed. He stated himself to be in possession of two instruments of most destructive power—one called the Invisible Shell, and the other called the Long Range. A specimen of the power of the Invisible Shell was given the other day at Brighton, and I had an opportunity of witnessing an experiment of the same kind, but upon a smaller scale, on a pond at Wanstead. I now avow, and never have concealed, that the power was most formidable. I saw a vessel blown up as completely as by any barrel of gunpowder it could be done. I was told that it was accomplished by an invisible shell brought under the bows of the vessel. I had no opportunity of examining it, but I had no reason to doubt that the vessel was destroyed in the way stated. This invisible shell, however, always appeared to me of much less importance than what was termed the Long Range; because Captain Warner professed to be in possession of a projectile power which would enable him to destroy fleets and towns at any distance varying from one mile to six. I am very glad that my noble Friend has relieved me from all reserve upon the subject. He appears as the advocate of Captain Warner, and moves for the correspondence, to the production of which I have no objection. I will give him as much of it as fully establishes the relation between Captain Warner and the Government, and I shall refer to nothing that it is not my intention to produce. I will withhold nothing that will enable the public to form a judgment upon the course of proceeding adopted by Government. Captain Warner said, that he was in possession of this Long Range, and he gave the following account of it:—

> "I can project, he said, 100 shells of most destructive power, and I can repeat the operation with rapidity. If I threw them into Gibraltar, in a few hours not a man would be left alive in the place. This I can accomplish at almost any distance. By means of my Long Range I could bombard a fortress, and, with a single vessel, could cut out a fleet in defiance of the garrison. I could have demolished Algiers, instead of merely damaging it, as was done by Lord Exmouth with his splendid fleet. After that, I could, with a comparatively small refit, undertake to destroy Toulon."

This was Captain Warner's account of his wonderful invention, and we felt that a person in possession of such a tremendous power was not to be treated with disrespect. On account of the mere importance of his discovery, he ought not to be so treated, and he was treated in no such way. "I will receive, I said, his statement on the assumption that it is all true; but one thing I will not do—I will not pledge myself beforehand to the payment of a large sum of money." This I told him I would do. I will appoint some of the most eminent professional men in the service of the country. I will not go to particular departments, and to the officers employed in them, but I will take from the service generally two or three most distinguished men. They shall not require the disclosure of your secret: they shall only witness its operation, in order that they may be perfectly satisfied that all that has been promised can be done. They shall make their report to the Government, or to me individually, if you prefer it, in order that it may not go farther. If they first take the Invisible Shell, they will have to see that it can be applied under adverse circumstances of wind or tide. Then they must be assured of the safety of those who use this power; and, thirdly, they must have an understanding how long the Government shall be in possession of the secret after they have purchased it. I reserved to myself the entire power of determining how much it was worth; and I wanted, moreover, to be assured that when we had obtained the secret, by paying for it, we should have the exclusive use of it. I felt that we ought to have the security that we could ourselves manufacture the same explosive materials, and that we ought to know how long we could retain the secret; on the first failure, for aught we know, it might be picked up by our enemies, and made use of against ourselves. I will not, said I, enter into any such blind bargain as that, supposing you blow up a ship, you shall receive a certain sum. Whatever may be done, or whatever may be stated in debates, I never will consent to any engagement of the kind, for I am aware of the disputes that will be immediately raised, even if I could foresee that the experiment would be as successful as that at Brighton, the other day. I would not enter into an arrrangement to give even 5,000*l.* to Captain Warner. A communication having been made from my noble Friend, I wrote to the Master General of the Ordnance, asking him to communicate with the Admiralty. I said, "Take two persons in your respective departments, whose opinions will carry weight and authority with the country," and the individuals named to me were Sir T. Hastings and Colonel Pasley. Upon this said Captain Warner, "I decidedly object to them: I will not submit my discovery to them." I replied, very good; but that objection shall not prevent the fair trial of the experiment; I think the objection unreasonable, but let us select two other officers. Accordingly two were appointed,—namely, my gallant Friend, Sir Howard Douglas and Sir Edward Owen. Shortly afterwards, Sir Edward Owen was appointed to the command of the Mediterranean, and Sir Byam Martin consented to take his place. The Commission, therefore, consisted of Sir Howard Douglas and Sir Byam Martin, and I appeal to the

House whether a fairer or a better choice could have been made—whether it was possible to commit the trial of the experiment to two men in every way better qualified to form a sound judgment. I will read to the House the first communication they made to Captain Warner, and leave it to decide whether it was possible for two men to enter upon this inquiry in a fairer, juster, or more liberal spirit.

"We are required, in the first instance, to ascertain the expense which may attend a series of experiments, in order that such a statement may be submitted to the Treasury previously to any expense being incurred on the public account.

"With this view, we think it right to inform you, that it is our intention, first, to have your "Long Range" exhibited, and afterwards a practical illustration of the effect of the "Invisible Shells;" in both cases, the materials to be prepared on such a scale as you may deem to be necessary for real service. For your further guidance, in estimating the expense of preparing our materials, it may be proper to say, that we think the "Long Range" may be required to be shown six times, and the "Invisible Shells" three times; but in stating the proofs which we think might be sufficiently frequent, it is by no means our intention to put limits to the operations you may consider necessary and satisfactory.

"You will be pleased to state if any, and what assistance of cannon or otherwise you may require from the Ordnance Department, or any other branch of Her Majesty's service; also, if it is your wish to be assisted by men belonging to the Royal Artillery, or if it is your intention to be assisted only by people of your own.

"In the first case, it is necessary we should know the number of men you will require; in the last, the charge you will make for your own men.

For the greater security of the secrets you desire, we shall be very willing to have the experiments made in an unfrequented part of the country, as may be practicable; and the place and time known only to ourselves, and to such persons as you may require to be present. We leave it with you to fix upon any locality in England provided the place affords space and convenience for the purpose."

Such was the first communication of the Commissioners with Captain Warner. It is an excellent rule, in general, that those who profess to have made discoveries should prove their value at their own expense; if not, the cost might be incalculable; and only this very day I have received no fewer than four proposals from persons, all professing to have made discoveries at least as powerful and as destructive as those of Captain Warner. They all require that the experiment should be tried at the public expense, contrary to the usual rule, which was not, however, applied to the case of Captain Warner. After public attention had been so much drawn to the subject, and after the speeches in this House—after the display of, I admit, a considerable power by Captain Warner—I consented that the public should bear the expense of a limited experiment. Out of this consent grew the letter of the Commissioners I have just read, and this was Captain Warner's reply, dated 11th of April, 1842.

"I have carefully considered the letter with which you have honoured me, requesting to know the probable expense of a series of experiments illustrative of the nature and effects of my discoveries; also the number of artillerymen, cannon, and ordnance stores which I may require to have placed at my disposal. With respect to all these, I do not require either artillerymen nor cannon for the demonstration of my powers, which are quite distinct from the ordinary weapons of warfare, as I have explained at some length in the communication explanatory of the effects I undertake to produce by my inventions, which I had the honour to submit, through Lord Hardwicke, to Her Majesty's present Government, and to which I beg leave to refer you, and request your careful perusal thereof. You express a desire to see an exhibition of the powers of my 'Long Range' first, and then, some practical illustration of the efficacy of my 'Invisible Shells.' With regard to the reversal of the order in which the investigation was commenced, I do not think it advisable. As I have already commenced my explanations, with reference to the 'Invisible Shells' to Admiral Sir Owen and to Sir Howard Douglas, I think it better to complete that investigation first, and then proceed to the 'Long Range.' If an experiment is insisted upon, I am quite prepared to make one, and enclose, according to your request an estimate of the probable expense as well as I can, in the absence of any specification of what you require to be done. I however submit to your consideration whether this expense might not be avoided, when I can refer, as eye-witnesses, to the following gentlemen now holding high offices of State:—the First Lord of the Treasury, the Master General of the Ordnance, the Senior Naval Lord of the Admiralty, the Secretary at War, Lord Hardwicke, Lord Ingestre, R.N., adding, that the two last-named Lords, together with Sir George Murray, have not only witnessed experiments, but have entered into the question of the practicability of my plans. I might subjoin to the above list the name of Lieutenant Webster of the Navy, an officer of much experience, but since it has been insinuated in the House of Commons that his judgment may have been influenced by feelings of private friendship, I do not press him upon your attention, though I beg leave to assure you that there is no foundation for such observation. Moreover, I will refer you to Secretary Sir James Graham, for his knowledge of the opinion entertained by the late Sir Richard Keats of the efficacy of the invention in question."

The last part of this letter refers to the destruction of the vessel at Wanstead, of which I was an eye-witness; but I never saw an experiment with the Long Range. Of what use was it, then, to refer to me as the First Lord of the Treasury, for I feel myself wholly incapable of forming a judgment; professional men, accustomed to matters of the kind, could only judge properly of this explosive power. The Commissioners, therefore, wrote to Captain Warner a most proper letter, in which they stated that they had been appointed to witness the experiment themselves. They wanted, they said, no information from the First Lord of the Treasury, and they repeated their demand for an estimate of the expense. It was at this period that Captain Warner stated what compensation he required in the event of success. My noble Friend has affirmed that I made a great mis-statement to the House when I asserted that Captain Warner required 400,000*l.* in the event of success in his experiments; this he mentioned in a letter addressed to Lord Hardwicke—

"In conclusion, I submit the terms on which I am willing to dispose of my discoveries; first, for my 'Invisible Shell,' 200,000*l.*; secondly, for what I have designated my 'Long Range,' also 200,000*l.*"

This was Captain Warner's proposal on the 2nd November, 1841, immediately previous to the appointment of the Commission consisting of Sir Howard Douglas and Sir Byam Martin. The Commissioners informed him that they were ready for him to proceed with his experiments, and the reply they received on the 20th April, 1842, was to this effect—that Captain Warner most respectfully acknowledged the receipt of their letter of the 16th, in which they stated that they had no authority to award remuneration. Captain Warner went on to observe that, as remuneration was the basis of his offer, it was impossible to proceed further until they had received authority to promise the remuneration he had asked, on proving his ability to effect what he had undertaken. In this communication Captain Warner also referred to his claim of 400,000*l.* and concluded by adding that under these circumstances it was unnecessary to trouble the Commissioners with a detailed answer to other parts of their letter. This was on the 20th of April, 1842, and then it was that Captain Warner referred to his former communication, claiming 400,000*l.* as his reward; there can, therefore, be no doubt upon that point. In consequence, Sir H. Douglas and Sir B. Martin very naturally said there was an end of their Commission—they had no authority to promise that sum, or any other, and they closed their duties. It was after this that Captain Warner said, "I will be content to take any remuneration the first Lord of the Treasury will promise me;" but the Commissioners replied that their powers were at an end, and that they could not give the matter any further consideration. Reference to the Commissioners, and to their letters and the answers, will show that caution on my part as to money was not misplaced; but there was also some inquiry instituted, and certain questions were put to Captain Warner, parts of which, with his replies, I will read to the House. The Commissioners asked him:

"How long is it since you satisfied yourself of the powers of your Long Range and Invisible Shell?" Captain Warner answered: "Twelve years as to the Long Range, and twenty-seven years as to the Invisible Shell. I sunk two French privateers at the end of the war, one off Folkstone and the other off St. Valery's Bay." When asked what vessel he was in at the time, his reply was, that it was called the sloop *Nautilus*, that it was a King's vessel, and that it was commanded by his father, William Warner. The next inquiry was, "Whether such an extraordinary circumstance as the sinking of two privateers in this way had not of course been reported to the Admiralty?" "No (was the answer), we were not under the Admiralty, for the vessel was employed by the Secretary of State Lord Castlereagh in landing spies." "Then was the destruction of the privateers reported to the Secretary of State?" "I do not know; it might have been." "Were the facts recorded in the log of the *Nautilus*?" "We did not keep a log." "Did you receive head money on the destruction of the privateers?" "No it was not claimed.' "Were any of the crews saved?" "No, none; and the facts were only known to myself and another."

Such were the assertions of Captain Warner, and the Commissioners sent first to the Admiralty, to learn if there was any record there of the destruction of two privateers, and the answer was, that not a vestige of such information could be found. They then resorted to the Foreign Office, because the vessel was said to have been employed by it, but there was no trace there of anything of the kind. Thus, according to Captain Warner, the vessels and their whole crews were sent to destruction without any reward and without any record in any department. Observe, too, the account given by Captain Warner of his proceedings with his Long Range. He told them that it had been tried in the presence of Sir Richard Keats, with a two-pounder, at the distance of three miles. The mention of a two-pounder at three miles is most important, but Captain Warner would not gratify the curiosity of the Commissioners by repeating the experiment. However, the projectile was sent from a cannon, and in Hainault Forest. When asked how he had proved the "desolating power," as he termed it, of his Long Range, Captain Warner answered, that he had tried its effects on some islands off Vigo, as well as upon the trees in the Forest of Hainault, at a distance of three miles. He added that he was at a distance of more than six miles from the islands off Vigo, and that the projectile tore up and shattered the rocks to a great extent. What was wanted was merely the repetition of this experiment. The ship offered by the Admiralty, the *Forester*, was amply sufficient for the purpose, and without disclosing his secret, a successful attempt, not at six miles, but at three or four, would have been held sufficient. The Long Range was to be tried first, and then the Invisible Shell. Most marvellous effects can be produced with detonating powder; but, then, another question is, whether it can be handled with safety. We do not merely want to see a vessel blown into the air, because the Board of Ordnance can do that, but we want professional men to accompany Captain Warner, and to see how Captain Warner applies his power with security. Above all, we want to see his Long Range—how he can destroy forts and rocks at a distance of six miles. The mention of a two-pounder shows that cannon are employed, and it is not merely attaching a shell to the tail of a kite, or to a balloon, which may travel six miles through the air, that will do; anybody can accomplish that without Captain Warner's aid, but he must mean that he can project his power in some way so that a ship, not at a distance of six miles, we do not require that, but at a distance of four miles, shall be destroyed. This was what was required to be done to satisfy the minds of the Commissioners, but Captain Warner refused to do it: the Commission was consequently at an end, and my gallant Friend Sir Byam Martin very naturally made it is urgent request that he should never be invited to try any more such experiments. Nevertheless Captain Warner was not yet satisfied, and my noble Friend still pressed to be allowed to prove the value of the invention. A debate took place here, and just after it Captain Warner published letters which certainly were not very complimentary, but that was no reason why he should be deprived of the opportunity he sought so earnestly. On hearing, therefore, that Captain Warner was dissatisfied with the course taken by Sir H. Douglas and Sir B. Martin, I wrote again to Sir George Murray, and told him that Captain Warner was sincerely desirous of bringing his inventions to the test. My letter is contained in this bundle of correspondence, and this other may be said to contain the first act of the drama. I requested Sir George Murray to confer with my gallant Friend, the first naval Lord of the Admiralty. In consequence, two other officers were selected, not of as high rank as their predecessors, but of great professional experience, and of unblemished honour—I mean Colonel Chaloner, of the Engineers, and Captain Caffin, of the Navy. Captain Warner proposed that a third, to be named by him, should be added, but I replied that it was not a question of arbitration, but an experiment to ascertain the truth; the two officers were to make their report to the Government, and I declined adding a third name, that of my noble Friend Lord Hardwicke. The new Commissioners wrote to Captain Warner that Government was willing that he should try his experiments, and they would bear the expense. What was required was, that they should witness the destruction of a vessel, and should accompany Captain Warner on board the steam-boat that was to be employed on the occasion. Captain Warner, in reply, said, "I positively object to your being present and upon those terms I will not try my experiment." We said, "if the experimentalists are not to be on board the steam-boat, let us waive the objection," and we called upon Mr. Warner to state an estimate of his experiment. I said again, that I would not enter into a blind pledge to pay 100,000*l.* in the event of a certain contingency, but I will appoint two gentlemen to consider the experiments, and to make a report to the Government; we promised to bear the expense, but I wished him to make an estimate of the expense; and before I could consent to incur an unlimited amount, I wanted to see Mr. Warner's estimate of the expense of the materials. I confess that I was startled at the estimate of the expense. Many projectors are content to receive 2,000*l.* or 3,000*l.* for their whole reward; but Mr. Warner required 2,700*l.* for his experiment with the Invisible Shell, and 2,470*l.* for his experiment with the Long Range, making in the whole 5,170*l.* as the expense of trying his experiments. My answer was again, that the experiment we desired to see was that with the Long Range, that we might therefore spare the expense of the experiment with the Invisible Shell, and proceed with that which we deemed the more valuable; and seeing what had been done at Folkstone, in St. Valery, and in the Forest of Hainault, I thought 2,500*l.* a very large sum. I offered to place 500*l.* under the control of the Commissioners as a beginning, they would then watch the experiment, and the result would show how much further it should be carried. Mr. Warner for a long time objected to this proposal, but at last, though he said that the experiment would cost more than the 500*l.*, he did consent to try the Long Range, and he said he would try and get his friends to advance the remainder of the money, intimating pretty clearly that he would have no difficulty in finding such friends. But after a certain period, Mr. Warner informed us that it would be impossible for him to make the experiment, as he could not find friends to advance the difference. The Commission also terminated with that explanation; and thus terminated the relations between Mr. Warner and Her Majesty's Government. I have already stated, that in what we did we departed from the general rule with respect to the expenses; and though we were anxious that this most important experiment should be performed, it was our duty to prevent any lavish expenditure, and to forbear from entering into any engagement to advance a very considerable sum—if not 400,000*l.*, at least 200,000*l.* or 300,000*l.*, depending upon a contingency which could not be foreseen. I maintain, therefore, that the Treasury, and every department of the Government, have acted with great liberality towards Mr. Warner, and I hope that the House will be of the same opinion; but I cannot sit down without saying, that from all my experience with respect to inventions, and with respect to Mr. Warner, nothing shall induce me to consent to enter into any engagement to pay 400,000*l.* or 100,000*l.* contingent upon a certain vessel being destroyed. I will know the mode of destruction—I will know the value of the invention—and I will know the power we have to prevent that its being used by other nations, before I will stipulate on the part of the public that that very large sum shall be advanced; and if the House shall depart from that principle, there will hardly be any limit to engagements in which the public money will be spent. In order to show the necessity for caution in this particular case I must refer to some additional evidence given by Mr. Warner. He said that any man-of-war could be altered to carry his apparatus. He was then asked, as it might be desirable to place a shell at the disposal of each commander-in-chief, whether each vessel could carry it, and he replied that it must be a vessel expressly fitted for the purpose, and attached to the fleet. Upon being asked how many persons it would be necessary to employ, he said that one man only in the fleet need be in the secret. If this were so, what precaution could be taken that the secret would not be lost; and there could be no security that the secret would not be communicated, except the integrity of the person entrusted with it? To which Mr. Warner replied, that, of course, if they told a person he would be in the secret, but that no one ought to have it but the Prime Minister and the person who was to manufacture it, and that his instructions in writing would be quite sufficient. Now, Sir, I certainly should object to be the depositary of the secret, or to employ the one person to manufacture it. I am sure that there cannot be a worse person with whom to deposit the secret than the Prime Minister, and I am sure that if there be not some other mode of preventing other powers from perverting it to hostile purposes, there cannot be a more useless instrument, and it is a responsibility which we ought not to incur. Mr. Warner was next asked, "Then the man would require 400,000*l.* or he would betray the secret?" and the reply was, "He did not think an Englishman would do such a thing." I am sorry that my noble Friend has imposed upon me the necessity of entering into these details; he says that he appeals to the House of Commons from the decisions of the former Government and of the present Government. He says that we have treated Mr. Warner without due consideration or due regard; but I am satisfied that for these details the House of Commons is not the proper tribunal for appeal, and notwithstanding what has passed, I think that the fullest opportunity has been given to Mr. Warner to exhibit his Invisible Shell and his Long Range; and if he has not, I am satisfied that the fault does not rest with the Government or with the Commissioners, but is to be ascribed to the fact that Mr. Warner has failed to do what he had promised to perform.

Mr. *W. Cowper* thought it had been shown that the present Government had done all that lay in its power to have the experiment fairly tried, and he did not think that the previous Government had been guilty of any neglect, because when the proposition was first made to Lord Melbourne's Government, it was felt not to be a matter on which a civilian was capable of giving an opinion, and Lord Melbourne therefore referred Mr. Warner to one of the Lords of the Admiralty. Sir Wm. Parker undertook to examine the invention; and having obtained permission that another Lord of the Admiralty should be associated with him, it was referred to them, and not to the Board of Admiralty. They never did fully examine it, for it appeared that Mr. Warner upon that occasion demanded a large sum, he believed 16,000*l.*, before Mr. Warner would proceed to put his experiment to the test; and it was to be observed that all through the negotiations Mr. Warner preferred applications to the Treasury rather than to the Board of Admiralty or of Ordnance. The difficulties always rose on the point of money, and not on account of any differences upon the scientific part of the inquiry. Mr. Warner had always required that the experiment should be bought first and tried afterwards. The noble Lord who had introduced this subject had displayed a proper national feeling against taking this invention to a foreign country, or allowing it to leave our shores; but he had heard from high authority that the invention had been offered to a foreign power. He had heard that the experiment had been offered to the Government of Prussia, and that the negotiation went off on account of similar differences to those which had occurred in the present case. The Prussian Government required, before it would guarantee the payment of a certain sum of money, that they should themselves be able to judge of the success of the experiment. To this Mr. Warner would not consent. He required them to pay the money, and then he would tell them the secret of his invention. If his information in this respect were correct, there was additional reason why they should believe that the various Governments which had succeeded each other, and had failed to come to an arrangement with Mr. Warner, were not so much in the wrong as appeared to the noble Lord. He could only speak of one particular Government; but it appeared to him that none of the Governments had been guilty of any neglect; that Mr. Warner had had opportunities which he ought to have taken to test his experiment; and he trusted, after the correspondence should have been given, that if Mr. Warner should wish for the power of performing any other experiment, he would have it.

Sir *Howard Douglas* said, his right hon. Friend, at the head of Her Majesty's Government had so fully stated the case, that he had left him, (Sir Howard), little to say. He was delighted to hear it was the intention of Her Majesty's Government to produce the whole of the correspondence and proceedings of the Commission, attacked as it had been; because he was satisfied the House and the country would see, that every opportunity and facility had been afforded to Mr. Warner, to demonstrate, by actual experiment, the powers of his alleged inventions, and that he (Sir H. Douglas) and his gallant colleagues had acted throughout, in a spirit of the utmost fairness, liberality, and kindness towards Mr. Warner. He (Sir H. Douglas) would take this occasion to contradict a statement made in a Report of the Brighton experiment which appeared in the *Times Newspaper*, that the proceedings of the Commission of which he was a Member had terminated in consequence of contrariety of opinion between the Commissioners, as to the mode of proceeding, to test the powers of Mr. Warner's alleged discoveries and their applicability to the various circumstances of real service. Now, so far from this statement being fact, he would say there never could have been, under any circumstances, a more perfect uniformity of opinion than that which prevailed between the Members of the Commission. With Sir E. Owen, as well as with Sir B. Martin, his (Sir H. Douglas' views and opinions precisely coincided. From the outset they were of opinion, that the "Long Range" if proven, was the only portion of Mr. Warner's discoveries that could be of any real-service utility, though they were ready to make experiments with his invisible shells. Sir Byam Martin having succeeded Sir Edward Owen, wrote a very able minute on 31st March 1842, expressive of his concurrence in the views and proceedings of his predecessors, and the Commission met a few days afterwards. They took into consideration all Mr. Warner's alleged powers, as he asserted and described them—the closing up of roadsteads by what he calls invisible shells, so that no ship or fleet should get out or in; the invisible shells, flung from the stern of a vessel chased, to destroy the chasing ship; and, above all, the "Long Range." The Commission came to the conclusion, that the "Long Range" as described by Mr. Warner, appeared infinitely more destructive and important, than the invisible shells; and resolved accordingly to proceed, forthwith, to test its powers; for whatever might be the explosive power of the invisible shells, it appeared to the Commission that they would not be found applicable to the various circumstances of actual warfare, from the difficulty of laying them out in face of an enemy, particularly in a sea-way and strong tide, and from the length of time this operation would require. The case was put to Mr. Warner, suppose a fleet of twenty sail of the line at anchor in Torbay, the distance between Beachy Head and the Mewstone being four miles, how long would he be in blocking up that Bay, with his invisible shells. He answered, an hour and a half. Now, this operation would necessarily require a great number of shells, connected, in some way, with each other, to form a continued chain. The shells might be made invisible by immersion; but unless Mr. Warner could render himself invisible likewise, he could not approach, without detection, an enemy's fleet, observing the usual precautions of rowing guard and having outside cruisers. How then was this to be effected? He said he should use a large steamer; or, on account of the inconvenience of the paddles, a screw steamer; that he had never tried this with steamers, but had laid out the invisible shells with sailing vessels. The shells were to be anchored, the lengths of cable adjusted to the soundings, and to the rise and fall of the tide; and in strong tide-ways to have moreover stay anchors. Why to apply the invisible shells in this way, to actual service on a large scale, would require a squadron of steamers, boats, or sailing vessels; and to attempt, in the face of an enemy on the alert, the operations of sounding, regulating the services of cable, connecting the fougasses with each other, and anchoring them across the entrance of an extensive bay, was something very like the old plan by which sparrows might be caught, by laying salt on their tails. The experiment made at Brighton was of the same description as that which had been very fairly designated "blowing up a punt upon a fish-pond." The Brighton experiment was only on a larger scale, with a greater dose of the explosive composition. In the one case a punt, or barge, was towed, unavoidably, to its destination, by an old horse; in the other, a vessel was dragged, inevitably, to her fate, by a steam-tug, from the stern of which, two cases or shells were dropped, one on either side of the tow-line, so that it was impossible, the fated vessel could escape. Applying this to actual service, the invisible shells thrown into the water from the stern of a vessel chased, would only intercept a space equal to her breadth, and would not come in contact with the chaser unless she were following exactly in the wake, and the tide or current setting exactly in the direction in which both were moving. It appeared to the Commission that this mode of using the invisible shells is still more inapplicable to the circumstances of real service than the other. Whatever may be the explosive power of the invisible shells, he (Sir Howard Douglas), and his gallant Colleagues, were firmly of opinion that the "Long Range" is the only part of Mr. Warner's alleged powers, deserving of national consideration, and to that they were determined more particularly to apply themselves. The Commission proposed to Mr. Warner, in a letter which the right hon. Baronet had not read to the House, to proceed to make experiments with the "Long Range," as well as with the invisible shells, and called upon Mr. Warner to furnish them with a statement of what he required to enable him to prove to the Commission, and the public, the efficacy of his powers. The House will perceive, by the papers to be laid before it, that Mr. Warner wished to provide the vessel against which to try his destructive powers. The Commission acquainted him that they had already procured two; for that providing the vessels to be destroyed, was no part of his secret. They resolved that he should never see these vessels, till taken to the bay or roadstead which the Commissioners might deem most fit and fair for the trials, and even then, that he should not be allowed to approach nearer, than he could, on service, to an enemy on the alert. The Commission meant nothing offensive to Mr. Warner, but they were resolved to protect the public against the remotest suspicion of collusion. Then it was the duty of the Commission to ascertain how far the alleged powers could be used with safety to the users. For this, the Commission would have tried the effect of shot striking or perforating the invisible shells. He would venture to assert that a composition so explosive, as not to bear either percussion or concussion, could not be a projectile; and that the effect of a shot striking one of these cases, would be to blow up the whole concern, vessel, and all. For the experiments with the "Long Range" the Commission had selected the 12-gun battery at Dimchurch wall, on the coast of Kent, and was quite ready to proceed to the trials, when their functions were brought to an abrupt termination, by Mr. Warner refusing to exhibit his powers, unless the Commission would give a guarantee as to the payment, which they were not authorised to do, and which formed no part of Sir George Murray's minute of the 22nd January, 1842, which formed the basis of their instructions. Indeed they had stipulated that they should have nothing to do with the question of reward—they had only to witness the effects of the experiments, report the result, and leave Her Majesty's Government perfectly free to act thereafter as they might deem fair and just to the individual and public interests. Thus, as the House will find, the functions of the Commission ceased, by Mr. Warner refusing to comply with conditions to which he had expressly assented. Reference had been made by the noble Lord the Member for Staffordshire, to the speech delivered by him (Sir Howard Douglas) on the Motion made in that House by the late lamented Sir F. Burdett, in August, 1842. Now, he (Sir H. Douglas) had then ceased to be a Commissioner, and he would appeal to the House, whether that Motion did not impugn the conduct of the Commission and call upon him (Sir Howard Douglas) to explain as he had done. As to what the noble Lord had said of disclosures of the secret, none whatever were made to the Commission. Mr. Warner was invariably warned and enjoined not to answer any question that might in the least tend to disclose any part of his secret; he was told that the Commission had only to arrange with him the experiments necessary to ascertain the mode of action, and the applicability of his inventions to all the circumstances of real service. It had been asserted, too, that the proceedings of the Commission had been interrupted in consequence of personal differences with Mr. Warner. This he (Sir Howard Douglas) most distinctly denied. The House will see that there was no other difference than that the Commissioners would not take Mr. Warner's large assertions for granted; and insisted on making the searching and stringent experiments, which the Commissioners deemed necessary to test the powers of the alleged discoveries particularly with respect to the "Long Range." For himself he (Sir H. Douglas) had never seen Mr. Warner, but in Commission. Everything that passed there, was settled previously by the Commission, every question put by it, and all their proceedings minuted and annexed to the Correspondence which the noble Lord had moved for, and which, attacked as they had been, he (Sir Howard Douglas) was glad was to be produced. The Government had done everything in their power to enable Mr. Warner to prove the astounding powers he asserted; the Commission had done their duty, fairly and impartially, to the individual and to the country, by the arrangements they made for conducting the experiments on a large scale, and at the public expense, and the manner in which they urged Mr. Warner, to come to the test. The Commission might now appeal with perfect confidence to the Papers which Her Majesty's Government had been called upon to lay upon the Table of the House, to explain the whole truth, and show the manner in which he and his colleagues endeavoured to discharge their duty, according to the instructions they had received.

Sir *C. Napier*: I thought, Sir, when I heard the first part of the speech of the noble Lord, that I had reason to differ from the late Sir Hussey Vivian, who doubted his sanity, but when towards the conclusion of his speech the noble Lord told us that one vessel could keep a whole navy in port, I confess that I almost came over to the opinion of Sir Hussey Vivian. It is really astonishing that any naval officer, possessing the talent of the noble Lord, should set his head, I may say, wool-gathering, and fancy such things possible: I look upon them as wild schemes. The noble Lord has given us the statement of how Captain Warner has been treated by the late Government; and if that statement be correct, as of course it is, Captain Warner does appear to have been knocked about from post to pillar. The case at first fell into the hands of Sir Thomas Hardy and Sir R. Keats. There is no Member in this House who does not know the merits of those officers. It is singular that they should die, and that no report should be found: it is notorious that they were men of business, and were not very likely to have lost their papers. Captain Warner then goes to Portugal. I have just some notion that I heard of Captain Warner in Portugal; but if he had inquired, he would most likely have been able to have found me out. I certainly would have tried his experiment, it would just have answered my purpose. The noble Lord says that Mr. Warner was desired by the King not to use his power against Don Miguel. Where is that authority of the King. I should very much like to see his wish not to use this power on behalf of a constitutional Queen against a usurper. But, in the next place, Mr. Warner certainly does appear to have been ill used. His case comes to Sir Robert Stopford; and he cannot enter upon it, because the number of the Commissioners was too large. It would have been very easy to reduce the number. However, this was not done, and Mr. Warner was thrown over. This was extraordinary; but it is still more extraordinary that he should be upset by the Reform Bill. What the Reform Bill had to do with Mr. Warner's invention I am really unable to guess. Then Lord Melbourne was teased by the gallant Officer, but he did not attend to him. What did Mr. Warner do next? He picked up an old lieutenant in the Navy on half-pay, who knew nothing of what he ought to know, to form a correct judgment. I come now to the experiment which was tried on the fish-pond. I have no doubt that Mr. Warner does possess an extraordinary exploding power; but there is not a chemist of eminence in the country who does not possess some such power; there is chloride of nitrogen, which the chemists cannot come near, they are afraid to look at it; and I have been told this very night by Dr. Reid, that if you touch it with a feather you explode it. I can understand, then, how Mr. Warner blew up the two vessels at Folkstone and St. Valery, and the one at Brighton. Why, the same thing was done forty years ago, on the 14th of October, 1805, in Walmer Roads, I have the account of it here:—

"An experiment of a new invented machine for destroying ships at anchor, was tried in the Downs, and succeeded in the most complete manner. A large brig was anchored abreast of Walmer Castle, about three quarters of a mile from the shore. Two or three gallies then rowed off, and placed the machine across the cable of the brig, which, by the running of the tide, was soon forced under her bottom, about the centre of the keel, where it attaches itself. In a few minutes the clockwork of the machinery having performed its operations, a small cloud of smoke was seen to rise from the vessel, which in a moment after was blown to atoms, without any noise or appearance of fire. In about twenty-seven or twenty-eight seconds, not a vestige of the brig was to be seen, as the fragments were then level with the water's edge. General Don, with a number of military and naval officers, went with Sir Sidney Smith to Mr. Pitt's, at Walmer Castle, to witness the experiment, and expressed the utmost astonishment at the destructive powers of the invention."

What was that invention? It consisted of two copper vessels filled with 200 lbs. of gunpowder, more or less; these two copper vessels were attached by chains; they were dropped by a boat one on each side of the vessel to be destroyed, the tide caused them to float under the counter, and then the vessel was blown up. That was done with a given quantity of gunpowder. I believe that Mr. Warner performed the same kind of operation. He dropped one on each side or one under the counter, and whether it was completed by clockwork or a trigger, the effect was the same, only Mr. Warner's was the smaller body. How did this former discovery work in practice? I had just served my time and passed as a Lieutenant, and, having nothing better to do, I went as a volunteer on an expedition against the French flotilla, under Sir Sidney Smith. We were sent in the most curious collection of boats ever known. The *Gemini*, the *Cancer*, and every other animal, and we were sent to blow up the French flotilla at Boulogne. We were under the orders of as gallant an officer as ever sailed, Captain Seckem. It was on a November night; we went in five or six boats; our feet were chapped. There were pegs in the coppers to be thrown, if they dropped out there was the dread of explosion; our teeth chattered with cold, our hearts quailed with fear, lest the pegs should get out. Captain Seckem was determined that we should run close under the enemy, and in getting so close he ran us ashore, so that there was a finish for that night. We went the second night, we saw our own vessels off the harbours, and were going to blow them up by mistake for the enemy, but they cried out lustily, and so we left them alone. We had no cutlass, we were wholly unarmed, we were to blow up the enemy, or be taken, or get away. After we had changed the boats the boatswain got frightened, for he saw the peg out. I ordered them to chuck the copper overboard, and overboard it went. There was not one of the enemy touched so far. Captain Seckem dropped down again. When we came alongside the vessel he forgot to cast off, the copper was hoisted and out came the peg, the copper was then thrown overboard, and it kept up a great noise for some time to our horror and astonishment. That was the whole history of the thing after 20,000*l.* or 30,000*l.* had been expended, and we were almost blown up ourselves. Now, the noble Lord has talked about blowing up; why, if he will sit quiet and allow me to put a few ounces of detonating powder under his bottom I'll blow him up to his heart's content. A few years ago Captain Warner showed me a picture of a whole fleet blown up by his apparatus. I said, I don't care two straws about your shells, I want you to give me your Long Range, and tell me you can blow a ship up seven miles off. But Mr. Warner said he would blow up all the ships in Portsmouth harbour from the back of the Isle of Wight. I said to him, if you will prove to the Government that you can blow up a ship six or seven miles off, I will stand up in my place in Parliament and say I have seen you perform this extraordinary operation. Throw aside your Invisible Shell altogether, and use your projectile; but he always returned to his Invisible Shell, and always shied off the six miles. I wrote to the right hon. Baronet at the request of Mr. Warner. [Sir *R. Peel*: "And I sent the letter to the Ordnance."] I said to Mr. Warner, if you can throw your shell upon a camp three or four miles off I will say I saw you perform such an operation. I saw, however, that Mr. Warner was not easily to be dealt with, and I have never troubled myself about it from that time to this. I think the only thing that Mr. Warner has reason to complain of with regard to the present Government is this. He asked them to allow either the Earl of Hardwicke or the noble Lord opposite to be added to the Commission. I think the Government might have done that. Either of the noble Lords would, I am sure, have done their duty to the Government and Captain Warner, as well as the other two Commissioners. As to asking 400,000*l.* for an implement of war, which, as the right hon. Baronet has said, perhaps never could be used, in consequence of the danger attending it; and even if it could be used might fail, I think is quite out of the question. Besides, such a power, if it really exists, can not be concealed from the whole world for any length of time. I think, however, that the Government has given Captain Warner a fair chance. I will give him another. I will tell him to go to South Sea Castle, and I will turn a ship out by the Havant light, and if he can blow a ship up there from the castle, I shall be satisfied.

Mr. *Aglionby*: The gallant Commodore had only proved that a number of years ago a destructive machine was employed, which turned out to be an entire failure; but that did not show that Captain Warner might not be more successful; and what he complained of was, that this debate was going on in the absence of information. However able the Commissioners might have been to whom the right hon. Gentleman had referred the matter, their examination was not of the most satisfactory description, and the conclusions to which they had come from some of Captain Warner's answers to their questions, were not well founded. Captain Warner told them that he would communicate in writing to the Premier the nature of his invention, which would be a sufficient security against its dying with him, and also against its being made known to any foreign power. He also said that he might require a sloop or a steamer, and then it was stated that he would require a whole fleet of sloops and steamers; but this was unfair, as Captain Warner had spoken only of one or the other—of a steamer when a sloop was objected to. He thought a fair trial ought to be given, and that Captain Warner's experiment was worthy of further consideration. He did not understand much of the subject; but from what had passed in the discussion, he thought the Long Range would be the most useful. He thought some allowance might be made to Captain Warner, and some experiments carried on with regard to the Long Range at all events. It would be, unquestionably, an act of folly on the part of Her Majesty's Government to grant any sum of money for the mere explosion of a vessel or a rock without knowing something more about the invention; but he thought the inquiry should be a fair one. He had no personal interest whatever in the matter, but surely it was not too much for him to ask that the experiments should not be tried by an *ex parte* Commission, without any person being present on his part. He hoped, therefore, that the subject would not be lost sight of, and that the right hon. Baronet would not refuse to accede to any proposition of a reasonable nature for the reinvestigation of this subject; and if it was of the tremendous nature which Captain Warner stated, a fair compensation should be given for it.

Mr. *Brotherton* said, that if the invention did answer all the objects that Captain Warner said it would effect, he very much doubted the policy of the Government encouraging by premiums the invention of such destructive machines. There would always be persons bringing forward something new; and if all the schemes were to be tried which might be offered to the Government there would be no end of the expense. He thought, therefore, that the Government had exercised a wise discretion as to the invention of Captain Warner. It was said that he had sold the invention to Don Pedro for 500,000*l.*; but it came to nothing, because he would have the money down before he made it known. He was informed by a gentleman who wrote to him at the time, that there was a battery which much annoyed Don Pedro, and Captain Warner said he would effect the destruction of it; but he went on from day to day and week to week, and nothing was effected, and his friend told him that he thought Captain Warner could not effect what he professed. It was the Long Range that was wanted then he supposed, and he said he was waiting for ordnance from England, and so it went on, there being always some excuse made. It was also said that Captain Warner had offered his invention to Prussia. However that might be, he would repeat that he thought it would be unwise of the Government to offer inducements to the people to invent such machines, for as sure as they were brought into operation, other nations would get hold of them as well. He had no doubt that another generation would look with astonishment at the fact that they had spent so many hours in discussing the merits of cannon, muskets, and all sorts of destructive machines.

Mr. *Wakley* said, they must think of the present, and not of a future generation, when neither himself nor his hon. Friend would be able to give an opinion on the subject. The hon. Member for Cockermouth (who had just left the House) had said that he hoped the matter would not end here. He (Mr. Wakley) thought he understood the right hon. Baronet to say that he was prepared to make an offer to Captain Warner with reference to the trial of the experiment, which must be satisfactory to every person of impartial mind in the country, and that was especially as to the Long Range. He supposed there would be no objection to try the Invisible Shell if the other proved successful. There was a good deal of feeling out of doors upon this subject, the people being apprehensive that such a power as that claimed by Captain Warner might be possessed by a foreign power. If they had a countryman of their own who had made an extraordinary discovery, although it might apply to warfare, he thought he ought to have the greatest facility for bringing it into operation and proving its value. He did not, however, think that the Government had acted unfairly on this subject It was now offered to Captain Warner that he should try his experiment at the expense of the Government. He wished the noble Lord who had made the Motion had given an account of what took place at Brighton, instead of which he had only referred to the newspapers, and he did not think, from the statements in the newspapers, that the experiment was worth a straw; for they stated that Captain Warner had been on board the vessel, and that he dropped just under it, before it was blown up. That was not the way in which he would be able to blow up an enemy's ship. Supposing the Long Range were to be tried, the Government should say to Captain Warner, "We will appoint a competent Commissioner to inspect what you may do at Brighton. Go down there on a Monday morning, and a vessel shall be directed to sail towards the coast, which you shall endeavour to destroy, and you shall have half an hour's notice of the approach of the vessel, which shall come within half a mile of the shore, and the parties on board her shall be totally unconnected with you in any way whatever." If such a course were adopted, and Captain Warner succeeded in blowing the vessel up, the country would demand that he should be properly compensated. It was ridiculous for a Gentleman to say that he had got an instrument that would destroy an enemy's ship, and in exhibiting his experiment go alongside the vessel, coax her into acquiescence, and then blow her up. The power, no doubt, was great; but it was the application of it that appeared doubtful. He had brought the subject before the House some years ago, at the instance of a scientific gentleman, who had a conviction that Captain Warner possessed the power which he said he had, and he was still of the same opinion. He thought that Captain Warner, in the trial of the experiment, should be relieved from all expense. He was sure the public would require that the experiment should be tried on a fair and honourable footing.

Sir *G. Cockburn* would not prolong the debate; but he merely wished to explain how the experiment at Brighton had taken place. He had an officer of artillery in a boat close to the vessels, who saw a shell thrown over the starboard side of the steam-boat that had the vessel in tow, and she had a boat which helped her to adjust the rope; two buoys were attached together by the rope, which was thrown in the way of the vessel, which was moving at the rate of three miles an hour; the rope then took the cutwater of the vessel between the buoys, which were dragged under; a tension of the rope was then caused, and it struck the hammer or the stuff to which the explosive material was attached, when the explosion took place. The officer told him that the explosion had the effect which would have been produced by two barrels of gunpowder. It was well known that nitrate of silver, chloride of nitrogen, and many other things would have had the same effect. Any value which attached to the experiment would depend on the success of the Long Range. He said when he first saw it, that if it would send such a power five or six miles, Captain Warner would be entitled to any compensation. But invisible shells he looked upon as worth very little; they were thrown about in every direction at the Chesapeake, and he looked upon them as nothing.

Lord *Ingestre* would assent to the offer of the right hon. Baronet, whose misapprehension he had no doubt would be cleared away by the result. The invention was easily applicable, and was also portable. With regard to the experiment at Brighton, everything was done in a fair and straightforward way; and Captain Warner would have been equally sure of success, if he had tried the experiment on a ship that had just come off Brighton. The Government declined to be a party to the experiment, so Captain Warner had been compelled himself to bring the ship to Brighton; but he was prepared to assert that the ship contained, at the time of the experiment, no explosive materials whatever. Captain Warner had not been on board her after she was taken in tow; and the statement of anything being thrown overboard from the steamer he believed to be untrue. Although he had an array of officers, telling him that the invisible shells were worth nothing, he had no hesitation in telling the House and the country that they were worth all they had been stated by Captain Warner to be; and if a ship could be destroyed by the Invisible Shell, why should they adopt the other method? If they accomplished everything they wanted without a projectile, why use it? He was obliged to the gallant Commodore for his offer to place some gunpowder under a certain part of his person and blow him up—but he only hoped that he might sit along side of him when he tried to perform the experiment. He was prepared to prove before any public tribunal in the world, the correctness of the statement as to this extraordinary power possessed by Captain Warner. He felt confident as to the success of Captain Warner, either as regarded the Long Range or the other mode; and he conceived that if that officer succeeded in carrying what he said into effect, he ought to be rewarded.

Motion agreed to.

THE INSOLVENT DEBTORS BILL.] The *Solicitor General,* in moving the second reading of this Bill, stated that he was then quite prepared, if the House thought it necessary, to enter into an explanation of the details of the Bill; but as it had been long under the consideration of a Committee in another place, and as he knew that it had attracted the attention of several hon. Members, perhaps it would be unnecessary for him, in the then state of the House, to go at any length into any explanation; he should therefore propose that they should take the second reading now, and go into Committee on the Bill at twelve o'clock on Friday.

Mr. *Wakley* remarked, that this Bill had excited great attention out of doors; and he wished to know whether it was the determination of the Government to pass this Bill during the present Session.

The *Solicitor General* replied that it was undoubtedly the intention of the Government to do so.

Bill read a second time.

THE CASE OF MR. HEATHCOTE.] Mr. *M. Gibson* wished to call the attention of the House to a petition which he presented a short time ago from Mr. John Heathcote, who was a superintendent of factories up to last year, and who up to that time was admitted to have discharged the duties of his office with zeal, ability, and integrity, and he believed with perfect satisfaction to the various inspectors of factories under whom he had been employed. Mr. John Heathcote had been dismissed from his office in April, 1843, upon a charge of having written a certain anonymous letter, addressed to the hon. Member for Knaresborough, and having denied that he had done so. The complaint, as he understood the case, was not so much the writing the letter, for he believed that there was nothing in it which would be objectionable for any man to acknowledge; as it merely suggested certain amendments in the new Factory Bill; but that, having been written to by Mr. Horner, asking him whether he was the author of the letter in question, he distinctly denied it; and that his statement was not believed; and, therefore, he was dismissed from his office. He was willing to admit that, in most instances, it was inexpedient for that House to interfere with the exercise of that discretionary power which must be possessed by every Government over its subordinate officers. The only cases where he thought any interference on the part of the House could be justified, was when the head of the department did not seem to have been in possession of the facts of the case, or that he had laboured under some misapprehension in the exercise of his discretionary power. He hoped that the right hon. Gentleman would do him the justice to believe that he only brought forward this case as one of misapprehension, and not as intending to convey any charge against him; and he was sure if, on hearing the facts of the case which he intended to state to the House, the right hon. Gentleman felt that justice had not been done to the petitioner, that he would thank him for having called his attention to the subject. He would now proceed to state the case. It appeared that on the 25th of March, 1843, the hon. Member for Knaresborough received an anonymous letter, signed "An Overlooker," which did not seem to have been of any great importance, as it merely suggested some alterations in the Factory Bill; and that hon. Member handed this letter over to the noble Lord, the Member for Dorsetshire, who submitted it to Mr. Horner, the Inspector of Factories, who, on seeing it, said, that it was in the handwriting of Mr. John Heathcote, one of the superintendents of factories in his district. Mr. Horner wrote by that night's post to Mr. Heathcote, stating that he had in his possession this anonymous letter, directed to the hon. Member for Knaresborough, and that the handwriting so nearly resembled that of Mr. Heathcote, that it was hardly possible that it could be written by any other person; he, therefore, wished to know whether that was the case or not. Mr. Heathcote immediately replied; and in his letter to Mr. Horner seriously denied having written an anonymous letter in the course of his life, and also denying having written this letter, or having any knowledge of it. Mr. Horner, when he received this denial, ordered Mr. Heathcote to proceed to the discharge of his official duties in a certain part of his district; he, therefore, led Mr. Heathcote to believe that the denial which he had given to the charge was satisfactory, and that he should hear no more about it. But not so, for Mr. Horner, in the mean time, laid his complaint before the right hon. Baronet, the Secretary for the Home Department, and transmitting at the same time the anonymous letter, a copy of his own letter to Mr. Heathcote, and the reply to it which he had received. With all respect to Mr. Horner in other matters he (Mr. Gibson) must say that he thought that he did wrong in doing so, without, at the same time, giving Mr. Heathcote notice of his intention of laying this charge before the Home Office. The right hon. Gentleman entertained the charge, and by his Under Secretary wrote to Mr. Heathcote, asking whether he could justify himself in an explanation of his conduct. In his reply, Mr. Heathcote said, that he had no explanation to offer, and that for the best of all reasons, as he knew nothing about the anonymous letter beyond what Mr. Horner had told him, and he was utterly in the dark as to when or with whom it had originated, or what was its purport; he, therefore, only solemnly denied that he had written the letter. The right hon. Baronet did not think that this was satisfactory, and Mr. Heathcote received another letter from the Home Office, saying that his explanation was not deemed satisfactory; he, therefore, wrote another letter, couched nearly in the same terms as his former one, and in which he again solemnly denied that he was the writer or author of the anonymous letter, directed to Mr. Ferrand, signed "An Overlooker." The similarity of the handwriting, however, between these letters and the anonymous one was such, in the estimation of the Home Office, as to more than counterbalance in the mind of the right hon. Baronet the weight of the assertion of Mr. Heathcote, denying that he had written it. From what he had learned and knew of Mr. Heathcote, he felt that that gentleman was not a man whose word was to be doubted on light grounds, and he knew that he was a person who was regarded with the highest respect by all classes in the district in which he is known. The right hon. Baronet, however, in spite of this, on the 29th of April, 1843, dismissed Mr. Heathcote from his office, and in the communication to him announcing this, stated that he did not conceive that it was for the benefit of the public service that after what had passed he should continue to hold the office of superintendent of factories. Mr. Heathcote was, therefore, formally dismissed He now came to some singular circumstances connected with this case. Shortly after Mr. Heathcote received his dismissal a Mr. John Gilbert, his nephew, on finding what had taken place, came forward and avowed that he was the author of the anonymous letter supposed to have been written by his uncle. This statement of Mr. Gilbert made no difference in the proceeding, for it seemed to be considered at the Home Office, that that young man had been induced to tell a falsehood for the purpose of screening his uncle. Corroborative evidence, however, had been found to this statement of Gilbert; for a person had come forward and declared, that he had instigated the nephew to write this letter. In a communication which this person had made to Gilbert, he said:—

> "It was at my suggestion that the anonymous letter was written by you to Mr. Ferrand, and I did not suppose that it could have been attributed to your relative. You did right to refer to me, and if it is thought desirable I am ready to come forward, as I do not wish to shrink from any responsibility that I may have incurred."

Was, then, he would ask, the mere semblance of handwriting to counterbalance the solemn assurance of these persons of high character, and whose words had not previously been disputed? Mr. Heathcote made a solemn declaration before the Mayor of Manchester, that he was not the author of the letter in question. Mr. Gilbert also went before the Mayor, and made a declaration that he was the author of the letter. The right hon. Gentleman would perhaps say that there was no resemblance between the writing of Mr. Gilbert and the anonymous letter, and that the letter bore a much nearer resemblance to the writing of Mr. Heathcote than to that of Mr. Gilbert. The right hon. Baronet had allowed him and his hon. Friend, the Member for Salford, to inspect these letters at the Home Office, and to see whether the evidence of the handwriting would not lead them to a different conclusion from that which they had previously arrived at. He went to the Home Office with his hon. Friend to inspect these letters. His hon. Friend was decidedly of opinion that the writing in the anonymous letter did not at all resemble that of Mr. Heathcote. His own conclusion was that there was a stronger resemblance between the handwriting of Mr. Heathcote and the anonymous letter, than between that of Mr. Gilbert and the letter; but this was not sufficient to induce him to say that the writing was that of Mr. Heathcote. Nothing, however, was more uncertain in the proceedings in a Court of Justice than evidence respecting handwriting. The most contradictory evidence was constantly adduced when any question respecting handwriting arose; and there was almost always great doubt as to arriving at a sound decision. He would, on this point, refer to a case that occurred a few years ago before Mr. Baron Alderson, in which a man of the name of Isaac Looker was indicted for sending a threatening letter. The case he was about to quote was in the *Annual Register* for 1831. The evidence in this case was contradictory as to the handwriting. Several witnesses swore that the writing was that of the prisoner, and evidence was also given as to the resemblance of the paper on which the threatening letter was written to some found in the prisoner's house, and this induced the Jury to find him guilty. He might here observe that he believed that some weight was attached to the circumstance that the anonymous letter was written on similar paper to that usually used by Mr. Heathcote. The account thus proceeds:—

"The Jury returned a verdict of guilty. Mr. Justice Alderson proceeded to pass sentence: The Jury have found you guilty, on evidence which must satisfy every reasonable man, that—Prisoner: My Lord, I am innocent. I never touched the paper. I never wrote a line of it. My Lord, I am innocent. —Mr. Justice Alderson: You have been found guilty of a crime, which is certainly not mitigated by your denial after such evidence —a crime which strikes at the very root of society, by tending to obstruct the due administration of justice.—The prisoner here again interrupted his Lordship, and said: My Lord, I declare I am innocent; I never wrote the paper; I never put my hand to it. The desk in which the piece of blank paper was found, was open to five or six persons in the house, as well as to myself. My Lord, the law may find me guilty, but it cannot make me so. I now declare solemnly, that I am innocent of this crime.—The learned Judge proceeded; I cannot attend to these asseverations, for we all know that a man who can be guilty of such an offence as that of which you have been convicted, will not hesitate to deny it as you now do. I would rather trust to such evidence as has been given in your case, than to the most solemn declaration, even on the scaffold; for we know that they are persisted in by men in whose case, from all that has come before the Court, there can be no doubt whatever; and sitting to administer justice, I must not be deterred by your repeated denials, from doing my duty, in passing on you the sentence of the law, which is transportation for life. The Jury now obtained permission to leave Court for a time to get some refreshment, and the Judge also retired. During their absence, a young man, apparently about 17 or 18 years old, the son of the prisoner, was brought to the table by the solicitor who conducted the defence. He there acknowledged that it was he who wrote the letters, and not his father. A piece of paper was then given to him, and he wrote from memory a copy of the letter sent to Rowland. When compared with the original, there could be no doubt that the handwriting was the same. The copy was not a verbatim transcript of the original, but there was very little difference, and in all the words badly spelt in the original, the same spelling was adhered to in the copy. He then was shown the original and told to copy it, which he did verbatim. The handwriting in both were exactly similar. On the return of the learned Judge to Court, these facts were made known to him, and the copies of the letter were laid before him by Mr. Everett, the counsel for Looker. The Court was also informed, that the son had acknowledged that he wrote the letters, and did so in order to save his cousins, who had been accused of breaking machines. His Lordship expressed his surprise that these facts had not been brought forward at the trial, or at least before he passed sentence. He could not account for it, and without meaning to impute that it was so, he must say that it looked like a trick. However, he would have all the facts laid before him, and would give them due consideration, for though the application came late, yet it never was too late to do what was right. It was at last determined to try the prisoner on one of the other two indictments against him for sending similar letters, to give him an opportunity of bringing before the Jury the new facts. He was accordingly tried, on the 7th, for sending a threatening letter to Mr. Woodman. The evidence on both sides was the same as on the previous trial, except that the prisoner called his son Edward Looker, who was cautioned by the Judge that he need not answer any question to criminate himself."

The evidence of this young man was such as to induce the Jury to acquit the father; and on the representation of the Judge he was afterwards pardoned. The son was then tried, and pleaded guilty, and was sentenced to be transported for seven years. In the present case, he did not conceive that they were justified in charging Mr. Heathcote with falsehood, and thereby leave a stain or reproach on his character, which must prove injurious to him in all his future prospects in life, and, above all, as Mr. Heathcote never has had access to the tribunal by which he has been punished, or seen the documents, including the anonymous letter, upon which these proceedings have been taken. This was a most tremendous sentence to pass on any man upon such slight and uncertain evidence. He knew that it was a power which must be entrusted to a government to dismiss a person from a subordinate situation if he did not act in harmony with the superior officers of the department. The right hon. Baronet might be fully justified in dismissing an officer on such a ground, but it did not appear that any such cause of complaint existed in the present case. He quite agreed that the Government must have a discretionary power in their hands as to the removal of their officers, but at the same time a certain degree of confidence ought to exist between the employer and the employed, so that the latter should feel that they would not be capriciously dismissed. In Mr. Heathcote's case there was no evidence that he did not discharge the duties of his office with ability, zeal, and integrity; on the contrary he believed that Mr. Horner himself said, that if Mr. Heathcote could purge himself of having written the anonymous letter, he would with pleasure act again with him. Under the present circumstances, it was the general belief in Lancashire that Mr. Heathcote had been dismissed for having told a falsehood; but the prevailing feeling was, that Mr. Heathcote had not had a fair trial, or the opportunity of meeting the charge which had been brought against him. He had received several letters from the leading persons in Manchester, as well as in the county of Lancashire, on both sides in politics, and against some of whom it had been the duty of Mr. Heathcote to proceed under the Factories Act, and it therefore might be supposed that they would not regard him with any favour, but they one and all came forward and bore testimony as to his high character and as to the fair mode in which he had discharged his public duties. None of these persons believed that Mr. Heathcote would tell a falsehood, and they urged that he might have the opportunity of seeing the documents, and of knowing directly upon what grounds he had been dismissed, and that the whole proceedings in this case should be revised, with a view to do justice. He hoped that he had done no injury to the case of Mr. Heathcote by the course which he had taken. He at once admitted that the steps which had been taken had not been adopted from any feeling of caprice, but that they had arisen from a misapprehension in the mind of the right hon. Baronet. Indeed, he was not aware that the right hon. Gentleman was in possession of all the facts of the case, and more especially of the third person having come forward to acknowledge that he had instigated the writing of the anonymous letter. He should not trespass on the time of the House further, but move that the Petition of Mr. John Heathcote, presented on the 25th of July, be taken into consideration.

Sir *J. Graham* observed, that he had no reason to complain of the manner in which the hon. Gentleman had brought the case before the House, and nothing could be more fair than the statement which he had made. In the first place he wished the House to be assured that in the execution of his official duties, nothing was so painful as to discharge them in matters of this kind, and he could state with satisfaction that he had, since he had been in office, only dismissed two persons from their offices. There was nothing of a political or personal nature in the course he had felt himself called upon to take with regard to the present question. He had never seen or heard of Mr. Heathcote, except in his official capacity, and he knew that many persons of the highest respectability in his neighbourhood had felt a deep interest in his case, and amongst others he might mention his noble Friend, the Member for South Lancashire, who had taken the greatest interest in Mr. Heathcote's favour. He had exercised a deliberate judgment, and he had applied his mind to this case, and nothing he had heard before or on that night, had shaken the conviction he had at first formed. He was anxious to announce his decision on this matter in the way calculated to give as little pain as possible. Mr. Heathcote held an office under the Factories Act during pleasure.

He had been appointed by the Secretary of State to act as sub-inspector of factories, under Mr. Horner. Mr. Heathcote was well known to Mr. Horner and to Mr. Saunders, another inspector. It appeared an anonymous letter was sent to Mr. Ferrand, who forwarded it to Lord Ashley, and by that noble Lord it was sent to Mr. Horner. There was internal evidence that this letter was written by a sub-inspector of factories, for it made use of a great number of technical terms which were only used in the books of the factory inspectors. Immediately Mr. Horner saw the letter, he challenged it as having been written by Mr. Heathcote, and he showed it to Mr. Saunders, his brother inspector, who entirely agreed with him as to the handwriting. He did not know that there was anything in the letter itself that was very objectionable, or which called for remark; but the real and substantial offence was, that when Mr. Horner wrote to him to ask him whether he was the writer of this letter, he solemnly denied that he wrote it. That denial was the whole case. Mr. Heathcote was called upon by Mr. Horner to say whether he was the writer of the anonymous letter signed "An Overlooker." Mr. Heathcote denied it, but Mr. Horner entertained the strongest opinion that the denial was not well founded, and he believed that, under the circumstances of the case, it was his duty to submit the matter to him (Sir James Graham). On receiving this communication, he directed the Under-Secretary of State to write to Mr. Heathcote, and thus give him an opportunity of further considering the subject, and to say whether he did or did not write the letter. An answer had been received to the letter of the Under-Secretary, and he held in his hand that answer as well as the anonymous letter; and he would ask any one to compare them, and then say whether he entertained any reasonable doubt as to their being written by the same person. That letter from Mr. Heathcote stated that he had to acknowledge the receipt of the letter of the 19th, and he begged for the information of Sir James Graham, positively and solemnly to deny that he had written the anonymous letter to Mr. Ferrand. Another curious coincidence in this case was, that the paper on which this answer was written was the same as that on which the anonymous letter was written. On examining the whole case, and after the best consideration that he could give to it, he entertained the strongest moral conviction that both letters were written by the same person. He had then put these letters into the hands of Mr. Maule, the solicitor to the Treasury, and desired him to send them to the proper officers of the Post Office, to obtain their opinion as to whether they were written by the same person. The Inspectors of the Post Office compared carefully the anonymous letter, the answer to the Under-Secretary, and some other letters which were in the Home Office, and which had been received from Mr. Heathcote and three officers who were in the constant habit of comparing the handwriting of persons, unanimously declared that they were all in the same handwriting. He could then come to no other decision than that the anonymous letter was written by Mr. Heathcote, and this too, after his solemn denial of the fact. It was impossible under such circumstances, that Mr. Horner could execute his duty, in association with one, of whom, however high might have been the opinion he entertained formerly, he was compelled now to believe had solemnly denied that which he had surely done. It was impossible, under such circumstances, to do otherwise than dismiss Mr. Heathcote, although in doing so, he did not think fit to assign any other reason than that it was not necessary for the public service to retain him. It was to be observed, that Mr. Gilbert had not come forward before the dismissal of Mr. Heathcote, to say that he was the writer of the anonymous letter. Now, he must observe, that he had compared Mr. Gilbert's letter with the anonymous letter, and he had the strongest possible conviction, that the letter of Mr. Gilbert was not written by the person who was the writer of the anonymous letter. Again, too, he had taken the same course with this letter, that he had with Mr. Heathcote's letter, and sent it to Mr. Maule, the solicitor of the Treasury, and this was the answer that he received—that the solicitor of the Treasury had compared the letter of Mr. Gilbert with the anonymous letter, and was of opinion that they were not written by the same hand; and that he had also compared Mr. Heathcote's letter of the 20th of April (a letter which had been written subsequently) with the anonymous letter, and was of opinion that the two were in the same handwriting. Let them, then, see how the case stood: a letter appeared to have been written by a person who denied that it was his handwriting, and yet was, by the most competent authorities, and by others who were quite impartial, affirmed to be his handwriting; whilst it was also declared that the same letter was not in the handwriting of the individual who professed to have written it. But then the hon. Gentleman adduced the case tried by Mr. Baron Alderson, where there was a mistake as to handwriting; but surely the hon. Gentleman must perceive that there was the broadest distinction between the two cases. There the real writer was discovered, and his handwriting was found to be the same both in the anonymous letter and in the trial specimen; but here the nephew was brought forward as the writer, and the letter upon examination appeared not to be in his handwriting. But then there was the circumstance of a gentleman having communicated to Mr. Gilbert certain facts. He was very unwilling in that place to express his opinion as to such an explanation; but he could not avoid saying this—that he had no doubt whatever, that as to the letter, whether it was written by Mr. Gilbert, or written by Mr. Heathcote, to the hon. Member for Knaresborough, it was written in concert between Gilbert and Heathcote, and he had also no doubt whatever in his own mind, that it was written by Mr. Heathcote. He had also no doubt as to the truth that it was a third party that had suggested the writing of the letter. He did not complain of the mode of bringing forward this question. If he had come to an erroneous or an unjust decision, no person would be more willing to revise it—none could more readily acknowledge the fallacy of his judgment and none could feel more deep sorrow and regret, if he found that in any form justice had not been done by him, or that he had acted with undue harshness to an innocent person. But he could assure hon. Gentlemen, that, looking dispassionately to this matter, he was bound still to say, that the facts of the case were conclusive against Mr. Heathcote. The decision that he had come to rested upon irresistible documentary evidence. It was capable of ocular proof. Most willing was he to afford the hon. Gentleman, as well as the hon. Member for Salford, the opportunity of seeing the evidence on which he had decided. He had not thought it expedient to have a personal interview with the gentleman, for it would only be painful to hear him declare his innocence, and to repeat the conviction which was on his own mind unalterable. When he said, that he had no objection to make this statement, he must at the same time say, that he did not think it expedient that the House, which had to act in its legislative capacity, should be converted into a Court of Appeal against the Executive; for if he were to be responsible for the duties that he performed, he must exercise them according to his own conscience and judgment with reference to the dismissal of officers, who held their offices during pleasure, and with whose public conduct he was dissatisfied.

Mr. *Brotherton* was so convinced of the truth of the statement of Mr. Heathcote, that he brought the matter before the Secretary of State. He had not desired that the subject should come before the House, but he wished to get sight of the documents on which Mr. Heathcote had been condemned. Now he must say this, that Mr. Heathcote had satisfied him that the anonymous letter of the 25th of March did not come from him, for he had then been from home for a considerable time, and did not return until a late hour on Saturday night, whilst the anonymous letter was written by Mr. Gilbert on the afternoon of that day. In the next place, it was to be considered, that Mr. Heathcote, who denied writing this letter had always borne a respectable character, and never had been impeached in any way. He did not wish to say a word against Mr. Horner, and yet he conscientiously believed, from an inspection of the documents, that Mr. Heathcote was not the writer of the letter. The right hon. Baronet said, that there was internal evidence in the style of the letter, that it was dictated by a sub-inspector. Why, Mr. Wood, the third party had been a sub-inspector, and therefore was likely to dictate a letter in the style of a sub-inspector. Mr. Gilbert, too, was in the habit of writing out the returns for his uncle, and therefore used the same paper. There were then three things to be taken into consideration to show that Mr. Heathcote was not the writer of the letter. The first was, that Mr. Heathcote was from home when the letter was written; secondly, there was the dismissal of Mr. Heathcote; thirdly, there was the avowal of Mr. Gilbert, that he was the writer; and lastly, there was the avowal of Mr. Wood, that he was the instigator of the letter being written. He could imagine a prejudice being created in the minds of Mr. Horner and Mr. Saunders, from one circumstance—there was the sentence in the anonymous letter, that the inspectors making the returns should reside in their own districts, and it was notorious that Mr. Horner and Mr. Saunders did not reside in those districts, and that statement, he said, might excite a prejudice in their minds. Here, then, they had the piteous spectacle of a gentleman, with his family, thrown upon the wide world, on a charge the truth of which he solemnly denied. An objection had been made to Mr. Gilbert in not coming forward at an earlier period. It was not until Mr. Gilbert knew that the matter was so serious, and that his uncle was dismissed, that he came forward and avowed himself as the writer. There was no necessity for him to do so before. He had looked at these letters—he believed Mr. Heathcote not to be the writer of the anonymous letter, and yet he agreed with his hon. Friend, that there was not as great a difference between the anonymous letter and Mr. Heathcote's, as there was between the anonymons letter and that in which Mr. Gilbert avowed himself to be the writer. And yet, he said, if they examined Mr. Heathcote's letter, they would find a peculiarity in writing the "R's," which was not to be found in Mr. Gilbert's, nor in the anonymous letter. He had there a letter written by Mr. Gilbert, in his presence, that day; let them compare that with the anonymous letter, and they would then see the difference between both and Mr. Heathcote's handwriting. There was not in either a dot over the R. In defending Mr. Heathcote he begged to say, that he had no connection with that Gentleman in any way; he believed he differed from that Gentleman, and all his family, in politics. He was anxious, however, to see that Gentleman reinstated, or, if he could not be reinstated, at least to have his characte cleared from all impeachment—to find him freed from the brand of a crime of which he was certainly not guilty.

Mr. *Bright* remarked, that it was not to be wondered that Mr. Gilbert and Mr. Heathcote should have used the same sort of paper, considering the connexion that had existed between them. As to the phrase, "starting the mills," it was one universally used in his part of the country, and Mr. Gilbert must have been intimately acquainted with that and other terms. The writing of the letter itself was not a grave offence, and what motive, he asked, could Mr. Heathcote have had for denying it. [Sir *James Graham*: His superior officer wrote to him, intimating his displeasure.] He doubted whether such could be a temptation to a man of honourable feeling to deny the truth. Let them look to the manner in which Mr. Heathcote had denied it. He made the denial in a solemn declaration before the Mayor of Manchester, and Mr. Gilbert, in a solemn declaration, declared that he had written it. Why, he would not hang a dog upon such evidence as had here been deemed sufficient to deprive Mr. Heathcote of his situation. Let them look to the writing of the words, "An Overlooker," and they would see the difference. He saw that in a case a few days ago, in an action on an indorsement for a bill for 1,200*l.*, the judgment of the Court was against the opinion of Mr. Maule. [Sir *J. Graham:* That was as to the mere signature.] Mr. Heathcote had now been for fifteen months endeavouring to remove the stain from his character. For some months he had been waiting in London with this object, and came to that House as his last resource. Nothing he was sure but a strong feeling of honour, and a deep consciousness of innocence, could induce a man to take all this trouble. He did not mean to make any charge against Mr. Horner, but it might, perhaps, so happen that he had laid the matter before the Home Office without due consideration; and there were very strong grounds for believing that if the right hon. Baronet, the Secretary of State for the Home Department, could be brought to view this matter in a different light, Mr. Horner would not have any objection again to co-operate with Mr. Heathcote. Mr. Heathcote had for a long period fulfilled his duty to the Government and the public in a most efficient manner, and he did so at a time when the carrying of the Factory Act into operation was an unpopular one; and he was now, in consequence of an accident, to be removed, although he positively denied having written this letter. After having efficiently fulfilled his duty for so many years, it would be a great hardship if he were to be deprived of the situation which he had held, and worse than all, deprived of the high character which he had hitherto borne. He should be very glad if the right hon. Baronet would take some further steps, in order to ascertain whether or not he might have formed an erroneous opinion.

Mr. *B. Escott* said, it would be difficult satisfactorily to come to a decision on such a subject as that in the House of Commons—a subject of very great importance to the individuals concerned. It appeared to him that there was a deficiency in the reasons which the right hon. Secretary of State for the Home Department had assigned for the dismissal of Mr. Heathcote. He stated that the dismissal of Mr. Heathcote was in consequence of his having denied having written a certain anonymous letter, which he (Sir James Graham) believed he had written. The proof of his having written that letter depended solely and entirely upon the similarity of the handwriting of Mr. Heathcote. [Sir *J. Graham*: Not solely and entirely.] It had been sent by the right hon. Baronet to competent authorities, and they, having compared it with Mr. Heathcote's handwriting, declared that they were similar; but he would ask if Mr. Heathcote had been called on to give any explanation. Had he been allowed to call witnesses in order to disprove the charge which was made against him. Had his nephew been called for by the Home Office, to make any statement in order to corrobate or disprove the statement of Mr. Heathcote; or, had the third party who had been alluded to in the transaction been called in order to throw any light on those proceedings? [Sir *J. Graham*: His appointment was held during pleasure.] The Secretary of State had not taken that ground in accounting for the dismissal of Mr. Heathcote. He based his observations upon the alleged similarity of handwriting, and he should say that he did not think that was a sufficient ground for the dismissal of Mr. Heathcote. It appeared to him that the handwriting of Gilbert and the handwriting in the anonymous letter were so much alike, that the charge against Mr. Heathcote so far as it was founded on the similarity of his writing with that in the anonymous letter fell to the ground. He had looked at the letter and at the handwriting of Mr. Heathcote and Mr. Gilbert, and considering the general similarity in the writing of commercial persons, he should say that he thought there was a greater similarity between the writing of Gilbert and the writing of the anonymous letter, than between the writing of Heathcote and the letter.

Mr. *Manners Sutton* did not wish to say one word more of Mr. Heathcote in connexion with this transaction than what was absolutely necessary. He believed that his hon. Friend (Mr. Escott) had hardly understood the right hon. Secretary of State for the Home Department, for he seemed to think that the dismissal of Mr. Heathcote rested solely upon the similarity of handwriting. There were other grounds, however; there was internal evidence; there was a similarity of paper and ink, and there were two letters which appeared to be twin letters, and which looked as if they had been written on separate halves of the same sheet of paper. It was brought forward by Mr. Horner, and what was Mr. Heathcote's defence? It was a simple denial of the charge. Now, that had not been deemed satisfactory, and when the Secretary of State did not deem it satisfactory, was he to continue in office a man in whom his superior officer (Mr. Horner), who was responsible, had not confidence? Mr. Heathcote had failed to clear himself in the opinion of Mr. Horner, and it would, under such circumstances, be hardly dealing fairly with Mr. Horner to hold him responsible for the discharge of the duties of a subordinate officer in whom he had no confidence. But that was not stated when Mr. Heathcote was dismissed. Who, he would ask, put it on the issue whether Mr. Heathcote wrote the letter or not? Mr. Heathcote himself had done so; but he (Mr. Sutton) did not blame him for that, as he might think that he had a right to do so as an honest man. All the authorities to whom the handwriting was exhibited agreed in thinking that there was a similarity between the handwriting of Mr. Heathcote and the handwriting of the anonymous letter, and the Secretary of State agreed in that opinion. Under such circumstances, he could hardly think the Secretary of State justified in retaining an officer in whom his superior officer had not confidence. He had now, for the first time, heard of the similarity between the handwriting of Mr. Gilbert and the handwriting of the anonymous letter, for he had never before heard more than one opinion as to the similarity between the handwriting of Mr. Heathcote and the handwriting of the anonymous letter.

Mr. *Hawes* was disposed to think that Mr. Heathcote was not the writer of the anonymous letter. The Home Office assumed that he was, because his real letters agreed with it. Mr. Gilbert's real letters, said the Home Office, did not resemble the anonymous letter, which did resemble Mr. Heathcote's avowed letters, but, if they assumed that Mr. Gilbert might have disguised his handwriting, they accounted for one great difficulty in the case. Mr. Gilbert frequently wrote letters for Mr. Heathcote; he was his nephew and in his confidence, and it was not unreasonable to suppose that his letters should resemble those of Mr. Heathcote. If that were so, it was not improbable that the anonymous letter should slightly resemble the handwriting of Mr. Heathcote. He had inspected those letters, and was not satisfied that Mr. Heathcote had written the anonymous letter. The internal evidence was, that there was a short tabular statement in the letter which partook of the knowledge of one who had access to the books of the inspector. But Mr. Gilbert, being the person who copied the papers of his uncle, might have possessed that knowledge as well. It was, therefore, perfectly consistent with that evidence that Mr. Gilbert should be the writer of the anonymous letter.

Mr. *Wakley* thought there was no subject upon which they ought to be more reluctant to give a decided opinion than that of individual handwriting. Nothing could be more difficult than to say whose handwriting you were reading if there were no signature to it. He knew frequent instances of men being unable to recognise their own handwriting. One was that of a distinguished author in London, who had to complain of inaccuracies in the print, and, on being handed his own manuscript, had so much difficulty in deciphering it, that it was a long time before he could be convinced it was his own. After the courteous manner in which the House had treated the request of the right hon. Baronet in reconsidering the Factory Question, he hoped the right hon. Baronet would treat the request of the House now made in a similar manner, and consent to reconsider this question, in which the character of an individual was at stake.

Mr. *Gibson,* in reply, observed, that it very often happened that persons in copying wrote very similarly to the manuscript before them; which would account for the resemblance between the handwriting of Mr. Gilbert and Mr. Heathcote. He was told that the handwriting of the Under Secretary of State frequently resembled that of the right hon. Baronet. Such being the case, he hoped the right hon. Baronet would consent to re-open the case, and not persist in convicting Mr. Heathcote, on insufficient evidence, of what left him liable to an imputation amounting to falsehood.

Sir *J. Graham*: Whether Mr. Heathcote has been guilty of falsehood or not is a question which has been raised not by me, but deliberately by Mr. Heathcote himself.

The House divided:—Ayes 16; Noes 23: Majority 7.

List of the AYES.

Aglionby, H. A.
Aldam, W.
Borthwick, P.
Bright, J.
Duncan, G.
Escott, B.
Esmonde, Sir T.
Forster, M.
Hawes, B.
Martin, J.
O'Brien, A. S.
Ogle, S. C. H.
Thornely, T.
Wakley, T.
Wawn, J. T.
Wyse, T.

TELLERS.

Gibson, M.
Brotherton, J.

List of the NOES.

Baring, hon. W. B.
Baskerville, T. B. M.
Brisco, M.
Clive, hon. R. H.
Cripps, W.
Dodd, G.
Eliot, Lord
Farnham, E. B.
Fellowes, E.
Forman, T. S.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hon. Sir J.
Greene, T.
Henley, J. W.
Jermyn, Earl
Masterman, J.
Palmer, G.
Pringle, A.
Smith, rt. hon. T.B.C.
Somerset, Lord G.
Stuart, H.
Thesiger, Sir F.

TELLERS.

Young, J.
Sutton, M.

House adjourned at a quarter to twelve o'clock.

HOUSE OF LORDS,

Thursday, August 1, 1844.

MINUTES.] BILLS. *Public.*—1ª. Piccadilly Improvement; Slaughtering Horses; Clerks to Attorneys; Tralee Navigation and Harbour; Spirits (Ireland); Savings' Banks; Woods and Forests Accounts; Grand Canal (Ireland); Consolidated Fund (Appropriation).

2ª. Militia Pay; Joint Stock Companies Remedies at Law and in Equity; Poor Law Amendment; Joint Stock Banks Regulation; Criminal Justice (Middlesex); Municipal Corporations; Customs (New South Wales); Books and Engravings; Protection of Purchasers, etc. (Ireland).

Reported.—Railways; Turnpike Trusts (South Wales).

3ª. and passed:—Transfer of Licenses (Post Horses); Roman Catholic Penal Acts Repeal; Law Courts (Ireland); Ecclesiastical Jurisdictions; Clerk of the Crown in Chancery.

Private.—*Reported.*—Duke of Hamilton and Brandon's Estate; London and Croydon Railway; Swansea Improvement.

3ª. and passed:—Duke of Hamilton and Brandon's Estate.

PETITIONS PRESENTED. From Banbridge, and Stranorlar Unions, against the Poor Laws (Ireland). — From G. C. Rapier, of Newcastle, against the Poor Law Amendment Act; and from Guardians of Holywell Union, for Alteration of Bastardy Clauses.—From British-born Jews of Portsmouth, for Removal of Disabilities.—From Debtor Prisoners in Durham Gaol, and Queen's Bench, in favour of the Debtors and Creditors Bill.—From Bishop, Clergy, and Lay Members of the United Church of England and Ireland in Dioceses of Down and Connor, for Educating the Children of the Poor in the principles of the Established Church.—From Guardians of the United District of Montgomery and Pool, against any Alteration of the Local Acts of said District.

THE COURTS OF COMMON LAW PROCESS BILL, AND THE COURTS OF COMMON LAW (IRELAND) PROCESS BILL.] Lord *Campbell* wished to draw their Lordships' attention to the Amendments made by the Commons in these Bills respecting the right of suing parties residing abroad for debt, which had been sent down from their Lordships' House and were now returned. The first Amendment, as it merely explained more fully what he considered the intention of the Bill to be, namely, that the Act should apply only to parties who were actually domiciled abroad, he did not object to, and he would advise their Lordships to agree to it. But the second was a very strange one, and excluded persons domiciled in Scotland from the operation of the Bill. In this he could not conceive that there was any reason, and he therefore should recommend their Lordships not to agree to it. He supposed that a conference with the other House would be necessary.

First Amendment agreed to; a conference with the Commons to be requested as to the second.

INSOLVENT DEBTORS.] Lord *Brougham* (on presenting a Petition) said, that in consequence of the expectation which prevailed for some time past, that a Bill would immediately be passed for the alteration of the laws affecting Insolvent Debtors, many persons had neglected to give the necessary notices, under the existing law, and they were now under the impression that they would be obliged to remain in prison until December next, before they could obtain relief. The best way to dissipate the apprehensions of these poor people would be to make public the effect of the Bill which had passed their Lordships' House, and was now in progress through the House of Commons. Under its provisions, there would be no necessity for any person to remain several months in prison, as it would only require a sheet of paper and a stamp for a statement of any case, which being sent to the Commissioners would insure a hearing. All the debtor would have to do, under this measure, was, to frame a petition, and to send it in to the Commissioners. All the rest would be done by the Commissioners, without any expense at all. He should draw up a short statement of this nature, and have it printed and universally circulated through the press, in order that parties might not suffer any hardship through ignorance of the fact.

THE GAME ACT.] Lord *Lilford* said, he had given notice of his intention to put a question to the noble Lord opposite, in reference to a letter addressed to the governor of the gaol of Northampton, by the Secretary for the Home Department, requiring a statement of all summary convictions under the Game Act, which had taken place in that county. That letter had created considerable observation; and he wished to know under what circumstances it was written, and whether it was intended to cast any imputation on the Magistrates who had made these summary convictions.

Lord *Wharncliffe* said, certainly no such intention existed. That letter had been addressed to others besides the governor of Northampton Gaol; he believed, indeed, that it was a general circular which had been sent to all the counties. The fact was, that the Secretary for the Home Department found that a great number of convictions took place under the Game Laws, and that many irregularities had occurred. He therefore was anxious to obtain a correct return of convictions under those laws, according to the form pointed out in the letter, in order that such irregularities might be corrected.

THE FRENCH PROTECTORATE OF TAHITI.] The Marquess of *Clanricarde* said, he had given notice to his noble Friend the Secretary for Foreign Affairs, of his intention to ask a question relative to the extraordinary proceedings that had lately taken place in one of the South Sea Islands, when a British subject was seized and confined; but, in consequence of what had fallen from a right hon Gentleman in another place, that question had been rendered almost superfluous. Still, as their Lordships ought not to be dependent for information on reports from other quarters, and as the subject was certainly not unworthy of further notice, he would ask his noble Friend the Secretary for Foreign Affairs, whether the accounts which had been made public of these transactions were correct, and whether any reparation had been made for the outrages therein stated to have been offered; and, if not, whether any measures had been taken to obtain it?

The Earl of *Aberdeen*: It is undoubtedly true, that a gross outrage has been committed against the person of a British subject; indeed, so flagrant an outrage, that, if I had not received an authentc account of the transaction, it would have appeared to me almost incredible. But I wish to observe to the House that this proceeding has taken place, not only without the possible knowledge, or instruction, or participation, of the French Government, but under a state of things which has been disavowed by them. It will be recollected that, in the month of September last, the French authorities in the island of Tahiti dethroned the Queen, and took absolute possession of, and exercised the full rights of sovereignty over that island. As soon as a representation on the subject was made by this country, the proceeding was promptly disavowed by the French Government, just about the time that the transaction at present complained of took place, in the month of March last. But during the intervening months, it is clear that a state of things existed that would account for certain acts which it would be impossible to anticipate under another and a more satisfactory state of things. Now, the gentleman to whom the noble Marquess has referred—at the time when the French took actual possession of the island, and proceeded to exercise all the rights of Sovereignty — that gentleman immediately hauled down his flag, and gave an official intimation or notice to the authorities that he was no longer Her Britannic Majesty's Consul there—that the Queen having been dethroned, he had no longer any official character. So that, in point of fact, however improper and unjust the proceedings might be which placed him under the necessity of abandoning his official position, he was not, at the time when the recent transactions occurred, occupying any, and was not recognized as occupying any fficial situation. Now, although the power which has been exercised and the arbitrary and unprecedented proceedings that have taken place could not be justified against any British subject, having an official character or not, still the circumstances under which the transaction took place must make some difference in the manner in which it is to be received. I said before that this proceeding had taken place without the slightest knowledge or encouragement of the French Government, and I have no doubt that they will regard it with as much concern as we do. I am afraid, however, that the late transaction will prove a godsend to the enemies of peace between the two countries, and I have do doubt that it will be turned to a good account in furthering their views; but I trust, and have every reason to believe, that by the exercise of a spirit of justice and moderation, will lead to no serious consequences. I have every reason to believe that the French Government will regard it in the manner in which such a transaction should be viewed; and I can only say, that not a moment has been lost in making such representations to that Government as appeared to me to be suitable to the circumstances of the case.

The Earl of *Minto* observed, that nothing could be more satisfactory than the noble Earl's assurance on that point, which, indeed, he believed they were all prepared to expect, namely, that the acts of those officers were wholly unauthorized by the French Government, and were totally foreign to their wishes. It was impossible to imagine that a Government which had the same deep interest with ourselves in the preservation of peace should have lent its authority to an act so calculated to lead to its interruption. He was entirely satisfied, therefore, with all the noble Earl had said as to the feeling of France; and he was satisfied, also, that the noble Earl would be content with nothing less from France than the full atonement for the outrage, which it was the noble Earl's duty to demand. There was one point, however, upon which he did desire some further information, a question which, however, he ought rather to put to the noble Earl of First Lord of the Admiralty, as to the means which had been taken by the Government to provide against the recurrence of any such misfortune. Aware as the Government were of the violent nature of the proceedings of France at an earlier period, he should like to be assured that they had taken proper measures to maintain our naval force at Tahiti in such strength as was necessary to protect the honour and interests of the nation. He hoped he should not find that at the time these outrages occurred we were inadequately represented in the seas of the Pacific? He (the Earl of Minto) would not enter further into the question, unless the answer which he should receive from his noble Friend should satisfy him and lead him to believe that little or no force whatever was stationed at that island. He knew that when the French took possession of the island we had a very considerable force there, and that, in consequence of some correspondence which had passed between the Captain of the *Vindictive* and the French authorities there, that frigate had been recalled. He (the Earl of Minto) should like to be informed of the cause of that proceeding, and whether, pending such discussions, and in the circumstances in which that country was placed, the *Vindictive* was recalled and the island left unprotected by a sufficient force? He should now conclude by asking his noble Friend if there was any, and what force, at the island of Tahiti?

The Earl of *Haddington* replied, that at the time this proceeding took place, in March last, Tahiti was not, and indeed it never had been, devoid of the presence of a British ship of war. He was not able at the moment to give full information upon the point, but his opinion was that last March there was present there a frigate of a minor class. His noble Friend appeared to have made himself master of the precise dates, and he (the Earl of Haddington) could not pretend to follow him as the question had been put to him entirely without notice. The *Vindictive* was out there formerly; she was succeeded by the *Dublin*, a large fifty gun ship which was present when the French took possession of the island. When the *Dublin* left, every thing was quiet, and she was succeeded by a frigate of a smaller size; whether it was the *Carysfort* or the *Talbot*, he could not at that moment recollect. The *Vindictive* was recalled simply because her time for foreign service had expired. Captain Toup Nicholas had been ordered a considerable time since to return home, but he was kept on the station by the Admiral, entirely with the approbation of the home authorities. The *America* had since gone out to replace the *Vindictive*, and the *Collingwood* was just about to sail for the station with the flag of Admiral Sir George Seymour.

The Earl of *Minto* wished to know this —was not the *Vindictive* removed from Tahiti by the order of the Home Government? Was she not removed without any measures being taken to replace her? It was said that Queen Pomare sought refuge on board the *Basilisk*. Was that the "frigate of a smaller class," to which allusion had been made? If so, she was "a frigate of a smaller class" indeed.

The Earl of *Haddington's* impression was, that there was a larger vessel at Tahiti than the *Basilisk*. The *Basilisk* was only a ketch.

Lord *Kinnaird* felt entirely satisfied that the French Government never had sanctioned, and never could sanction, what had taken place at Tahiti. He thought, however, that some blame attached to our Government for ever letting them take it under their "protection" at all. If there had been any sort of protectorate, it should have been a joint protectorate. He should be glad to know also, if Queen Pomare had not been restored after the first outrage? If that were the case, Mr. Pritchard of course resumed his post as British Consul, and was British Consul when the last act of violence took place.

The Earl of *Aberdeen* said, that in dealing with occurrences at the antipodes it was difficult to say precisely when or under what circumstances certain acts took place, but he believed that about the present time, and not before, Queen Pomare would be restored. It was in March last that the French Government repudiated the acts of their officers at Tahiti, and as he had just received accounts from Tahiti, dated in March, it was probable that about this time, and not before, the instructions of the French Government would reach its officers in the Southern Seas. Queen Pomare would then be immediately restored, not to all her rights, but to the same position in which she was placed under the former protectorate. With regard to the joint protectorate of which the noble Lord spoke, he should know that offers of a protectorate of these islands had been on two or three different occasions offered to the British Government, and as invariably refused.

The Earl of *Minto* asked, whether the French Admiral had been recalled?

The Earl of *Aberdeen* said, that Admiral Dupetit Thouars had been recalled in March last, in consequence of his assumption of the sovereignty of the island. He had been succeeded by Admiral Hamelin, who was now, he believed, on his way out.

RAILWAYS BILL.] Order of the Day for the House to be put into Committee, read.

The Earl of *Dalhousie* moved, that the House do now resolve itself into Committee on this Bill. His Lordship having referred to the evidence taken before the Railways Committee of the House of Commons, on the Report of which the measure was founded, and having adverted to the high rate of fares on English Railways as compared with those of France, Germany, and Belgium—the want of accommodation for third class passengers—the tendency of Railways to put an end to all competition, and by shutting out from the public all other means of conveyance, to become monopolies, contrary to the intentions of the Legislature—and the necessity for Parliamentary interference, for which no time was so opportune as the present, when there were so many Railway speculations in contemplation — proceeded to describe the various leading provisions of the Bill. He understood that it was objected to the measure that the principle it contained of limiting the profits of Railway Companies was novel and inexpedient; he contended, however, that the principle was not new, for it had been applied by Parliament to other bodies; he would mention in particular, that it was customary for the Legislature to interfere with the Gas and other Companies and limit their profits, and to require that the public should not be required to pay a price beyond that which was sufficient to pay the projectors of the speculation a fair remuneration for the capital they embarked; and as to the inexpediency of that interference, he believed the necessity for it in the cases to which it had hitherto been applied was generally admitted by the public. It was also objected, that in consequence of the Government having the power of revision, Railway Companies would resort to some delusions in declaring their dividends; but with the precautions the Government had taken, and their power of inspection and supervision, he had no fears upon that head. Again, it was said, that the Companies would expend their money unnecessarily and wastefully, in order to diminish their profits, and reduce their dividends below the standard at which Government acquired their right of interference, viz., 10 per cent. But he thought it a sufficient answer that they would never do that, knowing that they would thereby reduce the annual rate of profit upon which the amount of purchase money, supposing the Government should interfere to purchase, would be calculated. Another objection to this power of revision was, that it was calculated to discourage Railway enterprise; judging, however, from the number of applications that had lately been made to Parliament for new Railway Bills, he was convinced there was not the slightest foundation for such an objection. As to the provision for securing to the poorer class of travellers the means of travelling at moderate fares, he was sure their Lordships must all concur with him in thinking that it was the duty of the Government to introduce Clauses into this Bill in order to effect this object. He had heard it recommended that all Railway Companies, as well those already incorporated as those hereafter to be incorporated, should be compelled to provide third-class carriages by every train. On almost all Railways in the neighbourhood of large towns he thought third-class trains might be provided; but on many of the business lines he considered the enforcement of such a provision would be productive of the greatest loss to the proprietors. He had, therefore, provided by the 6th Clause, that on all future Railways and on all Railways applying for alterations in their powers, there should be a train started once a day, at a convenient hour, provided with seats and protection from the weather, and at fair and moderate charges —in two years, in fact, all Railways would in all probability be subject to this provision. In recommending this measure to their Lordships he did not wish to be thought as reproaching Railway Companies for the manner in which they had hitherto acted; on the contrary, they had, in his opinion, been of inestimable benefit to the community, and he thought it was impossible to estimate too highly their enterprise and their skill, which had combined to produce such marvellous results, accompanied with such immense public advantages. The Government now deemed it their duty to look to the future, and to endeavour, whilst they secured to the proprietors of Railway undertakings a full remuneration for the capital they had embarked and the risks they had encountered, to guard the interests of the public from encroachment, and to insure to them a participation in the benefits of the system.

The Bishop of *Lichfield* gave notice, on behalf of the Bishop of London, that it was the intention of his right rev. Friend, on the third reading of the Bill, to move as an Amendment to the 6th Clause, to leave out the words "on every day," and to insert these words, "On every week-day, except Christmas-day and Good Friday."

House in Committee.

Bill reported without Amendments.

Law Courts (Ireland) Bill.] Lord *Wharncliffe* moved the third reading (according to Order).

The *Lord Chancellor* had still an objection to make to this Bill, which had just been proposed by his noble Friend. By the Common Law of this country, the appointments were in the Judges of those Courts, and he should now read a passage from Lord Coke, for the purpose of showing that that was the law, and also giving reason for it. The passage was to be found in the Second Institute and had reference to the Statute of Westminster. There it was stated, that, by the Common Law, the Judges of the Courts had the appointment of their officers, and the reason given for this was, that it was more their duty to select proper officers, who would faithfully perform the duties imposed upon them—and if these officers did not do that it would be a reproach to the judges themselves, who were responsible for the proper keeping of the records of these Courts. This was the course in England from the earliest periods, and within the last few years when an Act was brought in, similar to that which was then before their Lordships, it was provided, that the appointments should be in the Chief Justices and Chief Baron. That was the course in England. Why were they to deviate from that course in Ireland? The Common Law of England was the Common Law of Ireland, and until a very late period the practice in this respect was the same in both countries. By 1st of Geo. IV. the appointments were taken from the Judges, and given to the Lord Lieutenant. No reason was stated for doing that; but for some particular purpose, which was not stated on the face of the Act, these appointments were taken from the Chief Justices and given to the Lord Lieutenant. It was rather remarkable that two years ago an Act of Parliament for the purpose of remodelling the offices in these Courts was proposed by the same person who brought in this Bill, and in that Bill there was a Clause corresponding with the law in England, by which the appointments were transferred back from the Lord Lieutenant to the Judges of the Courts in Ireland, from whom they ought never to have been taken. Now, however, they had the Bill of two years ago again before them, but by it the appointment of officers were continued to the Lord Lieutenant, and not restored, as they should be to the Judges. Under these circumstances, he trusted that their Lordships would be of opinion that the Clause ought to be altered, and the Bill made to correspond with the English Act. Why, then, was Ireland to be put on a different footing from England? Were they not continually saying that they would administer the same law and the same justice to Ireland where they could be applied? If, then, they laid that down as a principle of legislation, the moment they made an exception to it, they reflected upon the parties against whom the exception was made. If they did not give to the Judges in Ireland that which the Judges in England had, they said that the Irish Judges were undeserving of exercising that authority—that they would be likely to abuse it—and they drew a distinction between the Judges in England and the Judges in Ireland, who so well performed their duties, and were utterly undeserving of any reflection being cast upon them. In his opinion nothing could be more unwise, nothing could be more impolitic in the present state of Ireland than this, and he might also add, nothing could be more prejudicial to the interest of the United Empire. He proposed, then, that the Clause be struck out. [Lord *Campbell* said he had a Motion to the same effect.] He had forgotten his noble and learned Friend had a Motion to that effect. If his noble and learned Friend would have the kindness to propose it, he should have great pleasure in supporting it.

Lord *Campbell* said, he had heard with most sincere pleasure, the sentiments which had fallen from his noble and learned Friend, and the irrefragable arguments by which he had supported the views he had expressed. He had likewise with much pleasure heard his noble Friend (Lord Fortescue), who had been Lord Lieutenant of Ireland, cheer the sentiments of his noble and learned Friend. He should move that for the words "Lord Lieutenant or other Chief Governor of Ireland," in the 7th section, should be substituted the words, "Lord Chief Justice of the Queen's Bench, Lord Chief Justice of the Common Pleas, and Lord Chief Baron of the Court of Exchequer, as the same shall be in the Court of Queen's Bench, Common Pleas or Exchequer."

The *Lord Chancellor* begged to supply an omission of his, and to state that the Bill went so far as to take away the appointment to some minor offices which had been allowed to remain with the Chief Justices.

Lord *Wharncliffe* said, it was quite impossible for him to contend against the high law authorities who had addressed the House, but the truth was, that the facts of the case were not as they were stated by either one or the other of the noble and learned Lords. He (Lord Wharncliffe) believed that at no time in Ireland were the appointments in the hands of the Judges of the great Courts. The offices were sinecure offices, and persons were appointed by the holders of them to do the duties, so that the appointment to the duties of these offices was never in the hands of the Judges. The Act of Parliament was twenty-three years old. It had up to this time been acted on, and the present Judges had accepted their situations with a perfect knowledge of the conditions with respect to these appointments. He wished, however, to have time to consult with the law officers of the Crown before he decided upon the proposed Amendments.

The *Lord Chancellor*: If the appointments are by the Common Law of England in the hands of the Judges, why should not the Common Law of Ireland and of England be the same? Perhaps the authorities of the Crown may have usurped from the Judges what the Law and Constitution gave the latter. I do not deny the possibility,

The Marquess of *Clanricarde* said, he had had the honour of having been in communication with some of the high legal authorities at the other side of the water, and their idea as to the Common Law on this point entirely corresponded with the high authority of the noble and learned Lord on the Woolsack. At the same time he must say, that his noble Friend opposite (Lord Wharncliffe) was quite correct in what he had stated. The Crown had the appointment to these great offices. He knew that the learned Judges on the opposite side of the water were most anxious that they should not be placed on a different footing from the Judges in England, and if no strong reason should be shown against it, he hoped their Lordships would in a prompt and gracious manner accept the Amendment.

Lord *Cottenham* said, it appeared to him immaterial whether the appointments had formerly been in the hands of the Crown or of the Judges. If it was proper that a particular course should be adopted for the future, it was no argument against it to say, that a different and an erroneous one had been pursued for a century or half a century.

Lord *Campbell* said, he would withdraw his Amendment as he understood the noble Lord (Lord Wharncliffe) was prepared to assent to the suggestion made by his noble and learned Friend on the Woolsack.

Lord *Wharncliffe* wished to have the Bill now read a third time. He would consult his noble and learned and right hon. Friends and he had no doubt they would be prepared to pay every deference to what appeared to be the opinion of their Lordships.

Lord *Campbell*, however, said, as the noble Lord could not agree to the suggestion, he (Lord Campbell) would at once proceed with his Amendment.

Debate adjourned.

The House adjourned.

HOUSE OF COMMONS,

Thursday, August 1, 1844.

MINUTES.] BILLS. *Public.*—1°. Roman Catholic Penal Acts Repeal; Mines Registration.

2°. Arms (Ireland); Debtors and Creditors; Transfer of Property.

Reported.—Art Unions.

3°. and passed:—Savings' Banks; South Sea Company; Fisheries (Ireland); Merchant Seamen.

Private.—1°. Duke of Hamilton and Brandon's Estate.

2°. Lord Cranstoun's Estate.

Reported.—Bishop of Down, Connor, and Dromore's Estate; Gervis's Estate; Lord Lovat's Estate; Hough's Divorce.

3°. and passed:—Wilson's Estate; Ladbroke's Estate; Passingham's Estate; Werrington, etc. Curacies; Bowyer's Estate; Tralee Navigation and Harbour; Devayne's Estate; Bishop of London's Estate.

PETITIONS PRESENTED. By Lord Ashley, from Welby, against Dissenters Chapels Bill; and from St. Anne's, Limehouse, for better Observance of the Lord's Day.—By Mr. P. M. Stewart, from Burry, and Glasgow (2), for Legalizing Presbyterian Marriages (Ireland).—By Mr. Mangles, from Stewart Marjoribanks, Esq., and Colonel Elphinstone, for Production of Petition respecting South Australia.—By Mr. T. Duncombe, from J. Young, and others, against Art Unions Bill.—By Captain Pechell, from Lieut. Green, for consideration of Petition.—By Colonel Gore Langton, from Bath, against Insolvent Debtors Bill; and by Mr. T. Duncombe, from the Queen's Prison, in favour of same.—By Mr. Mackinnon, from Medical Officers of Horse and Foot Guards, against the new Charter of College of Surgeons.—By Sir H. Campbell, from Lauder, Dunse, Churnside, and Jedburgh, for Ameliorating Condition of Schoolmasters (Scotland).

SAVINGS' BANKS.] On the Question that the Savings Banks Bill, which had been read a third time, do pass,

Mr. *Hume* proposed two Clauses, to the following effect:—

"That whenever the sum standing in the name of any depositor shall amount to one hundred and fifty pounds, principal and interest included, that henceforth no interest shall be payable on such deposit."

"Clause (after 20th November 1844, Trustees not to receive, from any present or future depositor, any sum or sums, exceeding twenty pounds in any one year.)"

The hon. Member said, that his object was to confine the provisions of the Savings Bank Act to those small depositors for whose benefit it was originally intended. Large depositors placed their money in those banks as a profitable investment of capital, and would withdraw it at once if they saw any more profitable way of employing it. He looked upon this Bill as defective in many respects, but still he considered it as an improvement upon the former state of the law, and hoped for further improvement next Session.

Clauses brought up and read a first time.

On the Question that the Clauses be read a second time,

The *Chancellor of the Exchequer* considered the Clauses altogether inexpedient, and defended the policy of allowing deposits of sums larger than 20*l.*, and up to 30*l.* This rule was found of great advantage to sailors, who received their pay in a lump of more than 20*l.*, and if they had not such means of deposit as the Savings-Banks afforded, they would run the chance of being plundered of it by some of the worst characters to whose society they were exposed. He objected to the second Clause, on the ground that the Act contemplated the extension of its provisions to a higher class of depositors than those who now sent in small sums.

Mr. *Aglionby* concurred in the view taken of the Clauses by the hon. Member for Montrose, and contended that the original Savings Banks were intended to benefit mechanics and others of the humbler classes by encouraging the deposit of small sums.

Mr. *Divett* considered that the persons whose deposits amounted to 150*l.* were exactly those kind of industrious depositors whom the Bill was intended to serve. It would be hard to deprive them of interest.

Clauses negatived. Bill passed.

Marriages, (Ireland.)] On the Question that the Speaker do leave the Chair for the purpose of House going into Committee on the Marriages Ireland Bill,

Colonel *Rawdon* complained of the late period of the Session at which this Bill was brought in, and said, that no gratitude was due to the Government for the manner of its introduction. At the same time, on the part of the Presbyterians of Ireland, he expressed his approbation of the Bill, which would remedy an existing defect in the law.

Sir *J. Graham* admitted and regretted the delay which intervened between the first introduction of the measure elsewhere and its being brought into that House; but that delay was unavoidable in consequence of the communications which it was necessary to hold with the Presbyterians of the north of Ireland. As to the Government not having the gratitude of the Presbyterians for this Bill, he presumed that the same thing might be said of any Government with respect to any measure. Government did not want the gratitude of the Presbyterians or any other class of the community. It was its duty to attend to the reasonable wants and wishes of all classes of the community without reference to their gratitude, and in the present Bill every thing had been done which could satisfy their wishes on this important subject.

Mr. *Bouverie* thought the Bill rather late, but still he considered it important, and likely to be beneficial. He should like to see it connected with some general system of registration in Ireland.

Lord *J. Russell* thought, that full time should be given to the House of Commons to consider with due attention the enactments of such an important measure, and he did not see why the Bill should not have been introduced at a much earlier period of the Session, nor why the House should at length be driven to the alternative of either rejecting important and useful measures, in which class he would admit this Bill must be included, or of passing them without having time to deliberate on their details. This remark would apply also to other important measures which had come before the House towards the close of its Sessional labours. Such a practice, if continued, would tend to render one branch of the Legislature, a mere register of the edicts of the other. In fact, it would be tantamount to allowing the Ministers of the Crown to embody their wishes on particular questions in Bills to which the House of Commons would be compelled to give its formal sanction.

The *Chancellor of the Exchequer* was surprised at the observations of the noble Lord, and the more so as coming from one who had conducted the public business in that House. Did the noble Lord mean to say, that when measures went up from that

House to the Lords at a late period of the Session, the latter were merely registering the edicts of the House of Commons? Or, would he say the same thing with respect to measures coming late into the House of Commons from the Lords? There were many and important measures sent late up to the House of Lords, such, for instance, as the Poor Law Amendment Bill. Would the noble Lord apply his principle to that Bill, either that it must be abandoned or passed without due consideration? He would admit that the present Bill had come late into that House, in consequence of the long time occupied in its full consideration in the other House; but would the noble Lord, at the end of a Session, cavil at an important measure because it happened to be brought in unavoidably late?

Lord *J. Russell* explained, that he had said by the practice of allowing the early part of the Session to pass away without the introduction of important measures, the Parliament was, at the end of the Session, driven to the alternative of either rejecting useful measures or of passing them without due consideration. To that opinion he still adhered.

Bill passed through a Committee: to be reported.

BISHOP OF LONDON'S ESTATE BILL.] On the Motion that the Bishop of London's Estate Bill be read a third time.

Mr. *Wakley* objected to passing the Bill when it had been before the House only five days. The title of the Bill gave no idea of the nature of its contents, and the public knew nothing whatever about it. Who could suppose for a moment that this Bill was one for regulating the property of Paddington? Even the persons on this property knew nothing about the Bill; at the Great Western Railway nothing was known of it. This Bill would give the Grand Junction Water Company the entire monopoly of the supply of water to all the houses which were to be built on the property. He asked the right hon. Baronet to allow the adjournment of the debate to Wednesday or Thursday next, so that inquiry might be made into the real nature of its provisions. Who would suppose, from the title, that it was a Bill for regulating water-works? Again, there were great complaints made as to the situation of the terminus of the Great Western Railway. At the time of its being built it was stated that it was intended to be only temporary, and that the water-works were meantime the obstacle to its being brought nearer to the Uxbridge Road. Now, what did the public know of the provisions of the Bill as affecting this matter? The Bill made provisions for reserving sites for an hospital and a church. It said that the Bishop of London and the trustees might grant a site for an hospital—they were authorised to do so—but they were required to grant a site for a church. He should be glad to see the grant of a site for an hospital made peremptory too. Finding that the provisions of this Bill were so multitudinous and complicated that it would take some days to comprehend them, and that nothing was known of the subject; finding that they were grounded upon an agreement made in May last, of the nature of which information was necessary, he thought that opportunity should be given to inquire into them, and ascertain what their effect would be upon the district if enacted into law. If the right hon. Baronet objected to postpone the third reading, it was his opinion that the House ought to reject it. He should move as an Amendment that the Bill be read a third time on Tuesday next.

Sir *W. Clay* said, this was solely an Estate Bill; there was not a Clause or a syllable in it that could in the remotest way affect the public. It had gone through all the usual forms to which Private Bills are submitted, and had been carefully examined by a Committee of the House of Lords. Its only object was to give the owners of land in the vicinity of Paddington a valid title in selling their own property. With respect to its alleged bearing on public interests, his hon. Friend the Member for Finsbury was under an entire misapprehension. It was not true that it would give an exclusive right of supply to any Water Company; every Water Company had an equal right by law, nor did this Bill alter in the smallest degree the existing law. As to the advantage of removing the terminus of the Great Western Railway to a more convenient spot, this Bill would place no obstacle in the way of the purchase of land by the Company for that purpose. The fact was, he believed, that the Railway Company had had the means of obtaining that land for three or four years past, and that they had declined to purchase it. He appealed to the House whether it was a justifiable ground for postponing the Bill, that a third party should be allowed the opportunity of purchasing the ground at some future period. He could assure hon. Members that not a day had been lost in bringing forward this measure, and any one who knew the care with which Private Bills were investigated by Committees of the House of Lords, might be satisfied that it had been thoroughly examined. Neither the Church nor the Paddington trustees had the slightest interest in the property; as to granting a site for a Church, it was part of the agreement. It was most essential that the Bill should pass; if it did not, very great inconvenience would be experienced. He could assure the House distinctly, that the Bill meddled with no public right. Under the circumstances, looking to the great expense which had been incurred, and no valid objection being brought against it he threw himself on the House not to postpone the Bill.

Mr. *Greene,* as Chairman of the Committees, had carefully examined the Bill, and could see no objection to it. It was intended to regulate the property which was leased out in the last century by the then Bishop of London, at Paddington. Part of the ground was occupied by the reservoirs of the Water Company, and it was now wished to apply the space to the original purpose of building.

Mr. *T. Duncombe* said, though the Bill was called a private one, it applied to the property of the Church. He thought that they ought to have had this measure much sooner before the House. He must complain that no breviate had been delivered before the second reading, and he thought the Bill ought to be printed, and some days allowed that Members might be acquainted with the contents. It was because this property would be more valuable if built upon that the Bill was introduced; certainly a Church, and perhaps an hospital, was a sop to the public. It should be made imperative to build an hospital.

Mr. *Brotherton* said, he was on the Standing Orders Committee, and upon inquiring how far the Bishop of London was interested in the measure, was informed that he had only the interest of a peppercorn rent. The Bill, he understood, had no connection with the Church.

Amendment withdrawn.

Bill read a third time and passed.

PENITENTIARY SYSTEM.] Mr. *M. O'Ferrall* wished to ask, seeing that the Penitentiary system, as practised in the Pentonville prison, had been so successful, whether it was the intention of the Government, during the recess, to consider the propriety of erecting a similar institution in Dublin?

Sir *J. Graham* said, that an arrangement had been made in Ireland, as well as in England, on this subject, to which he attached great importance. All persons sentenced to transportation were brought to a central prison before the sentence of transportation was carried into effect, so that an opportunity was afforded to the authorities of investigating the previous habits and characters of such persons, so as to enable them to decide to what settlement it would be most proper they should be sent. Arrangements of that nature had been completed in Dublin, and in this country the arrangement had been effected by abolishing the penitentiary character of the prison at Millbank, and converting it into a prison for persons under sentence of transportation. His confidence in the success of the experiment now carrying on at Pentonville was so great, that as far as he was individually concerned he would be glad to see it extended to Ireland; but it would be premature in him to state what might be the intentions of the Government on that subject. It would be the duty of himself and his Colleagues to watch the experiment, and if it turned out as he hoped, and was anxious it should, he thought it would be extended to Ireland.

CHARITABLE BEQUESTS (IRELAND).] On the Order of the Day being read, for the House to resolve itself into Committee on the Charitable Donations and Bequests (Ireland) Bill,

Sir *James Graham* was anxious to explain two or three Amendments which it was his intention to propose during the progress of the measure through Committee. Considering the vast amount of Roman Catholic charities which would come under the control of the Board to be constituted under this Bill—and considering also that five of the ten Commissioners to be nominated by the Crown would be Roman Catholics—it had been felt expedient that a gentleman of the Roman Catholic religion should be appointed to act as joint secretary for the Roman Catholic members of the Board. It might be erroneously presumed, considering the large powers given to this Commission, that judicial powers, independently of the Supreme Courts, were conferred upon them; and in order to remove all doubts on this subject, he intended to move that a proviso be added to one of the Clauses, enacting that nothing contained in the Bill should be construed to limit or affect the jurisdiction of any Court of Law or Equity with reference to these Bequests. But these alterations were of less importance than one he intended to propose in Clause 13. The House would recollect that when this Bill was last under discussion, he stated that there was an obvious legal imperfection in this Clause, as it came down from the other House. As the Clause now stood it failed to carry out the announced intention of the Government. The Government had declared it to be their wish to give facilities for voluntary endowments, not only for dignitaries of the Church of Rome, but for the parochial priesthood of that Church; and not only for those now in office, but also for those who might be their successors. The Clause, as it now stood, gave effect to the former part of this intention, with respect to the clergy now officiating; but it did not give effect to the intention of the proposers of the Bill, with regard to the successors of the present dignitaries and parochial clergy of the Church of Rome. It would, therefore, be necessary to alter the phraseology of that Clause. The Government, in framing this Bill, had been most anxious to avoid using any phraseology which could be offensive on the one hand, or which might fail to be explicit on the other. Some comments had been made the other night as to the omissions in this Bill of the titles "Archbishop" and "Bishop," with reference to the Roman Catholic Clergy. He believed, and he still thought that the words "persons in Holy Orders in the said Church of any higher rank or order than priests," did include, in a manner most unobjectionable, the higher dignitaries, Archbishops and Bishops. If, however, any feeling of dissatisfaction was entertained on this subject by some hon. Gentlemen opposite, he was bound to say that looking back to the Statutes of this country from an early period, there had been a recognition of the Archbishops and Bishops of the Church of Rome; and the Church of England, with reference to many of her most solemn rites, admitted the authority of the Archbishops and Bishops of that Church. He had demurred, and he still demurred to the right of the Archbishops and Bishops of the Church of Rome claiming titles as affixed to certain localities and districts in Ireland; but hoping to conciliate the feelings of those who were deeply interested in this measure — and having no other desire than, as far as was consistent with the maintenance of sound principles, to tender that which might be acceptable to their Roman Catholic fellow-subjects—the Government were anxious to make such tender in the form and in the terms which might be most satisfactory. He would, therefore, propose the omission of these words in Clause 13, line 5:—

> "In trust for any Priest in Holy Orders of the Church of Rome, or for building a residence for his use, so long as he shall have the pastoral superintendence of any district, or of any congregation of persons professing the Roman Catholic religion, or in trust for any person of the said Church, of any higher rank or order."

And he would propose to insert, in their stead, the words:—

> "Or for any Archbishop or Bishop, or other person in Holy Orders of the Church of Rome, officiating in any district, or having pastoral superintendence of any congregation of persons professing the Roman Catholic religion; and for those who shall, from time to time, so officiate, or succeed to the said pastoral superintendence; or for building residences for such persons."

The Government had gone the utmost length in their power, consistently with the principles they must maintain, in order to meet the wishes of the Roman Catholic, and having made these concessions he must add that it would be their duty to resist any further alterations.

On the question that the Speaker do leave the Chair,

Mr. *G. Vernon* expressed his gratification, that the right hon. Baronet (Sir J. Graham) was prepared to make the concessions he had now announced. In his opinion, the Protestant Church of this country could have no objection to recognize the Bishops of the Roman Catholic Church, so far as their spiritual functions were concerned.

Lord *J. Russell* said, when he read this Bill he considered that it was a very useful measure, intended to secure a very desirable object; though some words were introduced which he regretted, and there were some omissions which, in his opinion, rendered the Bill imperfect. At the same time he must say, that it did not appear to him that the words to which he alluded were introduced with any offensive intention. They seemed to him rather to be mistakes which had occurred in the drawing of the Bill; and he was glad that the right hon. Baronet intended to propose the alterations he had mentioned. With regard to the first alteration mentioned by the right hon. Gentleman, he never conceived it could be the intention of the Bill that power should be given to secure an endowment to a single priest, so long as he held a particular charge, and that when he ceased to hold that charge it should not descend to his successors. The right hon. Baronet had, however, intimated his intention to propose the insertion of words which would secure such endowment to the successors of the person to whom it was originally granted. He could not understand why words should not be introduced into this Bill simply and plainly mentioning the Archbishops and Bishops of the Church of Rome, for they could not be ignorart that there were Archbishops and Bishops of that Church, who had always been acknowledged in their spiritual character. With respect to the question of giving Roman Catholic Bishops titles derived from their dioceses, he would not raise that point at the present moment, but there might, he conceived, be easily devised means of assigning them titular districts in Ireland which would neither interfere with nor offend other parties. He entirely coincided in the opinion expressed by the right hon. Baronet, that it would not have been wise to insert any such matter into the present Bill, which had been framed for certain purposes, and it was very wisely limited to those objects, namely, that of giving effect to Roman Catholic endowments, and for granting to the Archbishops, Bishops, and other persons connected with the Roman Catholic Church of Ireland a more perfect enjoyment of such property than they at present possessed. He trusted, after the observations that had fallen from the right hon. Baronet, and the spirit in which the proposed Amendments were offered to the House, that the measure would now be acquiesced in.

Mr. *M. O'Ferrall*, as one of those who had objected to the Bill in its original state, begged to tender his acknowledgments for the concessions that had been made by the Government, which he accepted most cheerfully, and which he valued more on account of the spirit in which they were offered than on account of the alterations in the Bill itself—though they possessed some importance. It was, he trusted, an unfounded fear that any captiousness would be shown towards the measure after the speech of the right hon. Baronet; but at the same time he hoped the House would believe that in a matter so deeply interesting to the religious feelings of a people as the Bill was, it was not only excusable, but also highly necessary, for those who represented that people to call the attention of the Government and the country to those portions of it by which their feelings were wounded.

The *O'Connor Don* had felt it his duty to vote against the second reading of the Bill, though he did so with great reluctance, being convinced the Government had brought it forward solely with a view to promote the interests and consult the feelings and wishes of the people of Ireland. He now entirely approved of it, and he accepted the alterations that had been proposed in the same conciliatory spirit in which the right hon. Baronet had offered them. There was still one objection, however, which he entertained, and which was insurmountable as far as it went, and that was, to the interference of laymen in matters which they were by the very first principles of the Roman Catholic Church prohibited from touching—namely, questions affecting the doctrine, discipline, and tenets of that Church. He most earnestly wished to hear it announced by the Government, that some members of the Roman Catholic hierarchy of Ireland would be nominated by Her Majesty to act as Commissioners, and introduced as such amongst the laymen who were to be selected from amongst the Roman Catholic body, as by this means the only remaining source of jealousy and disaffection towards the Bill would be removed.

Mr. *P. Howard* had heard the remarks of the right hon. Baronet in proposing the Amendments to the Bill with great satisfaction. The concession that had been made was valuable in point of feeling, but to render it so in point of practice the Government ought to nominate on the Commission one or more of the Roman Catholic Archbishops or Bishops, by which means efficiency would be given to the whole measure. Or, if he might suggest an alteration in the Bill, he would propose that the words "other dignitaries" be introduced in the Clause relating to that subject, by which means Archdeacons, Deans, &c., might become members of the Board of Commissioners.

Sir *R. Peel* observed, that it would be more in consonance with the feelings of the House and with the manner in which its acceptance of the proposed alterations in the Bill had already been signified, if it were to be left in the state in which those amendments would leave it, and if the Crown also were to be suffered to remain entirely unfettered as to the Commissioners who were to be appointed in the same manner. That was observed with respect to exclusively Protestant Commissions; and it, he conceived, might very reasonably be anticipated that if, in the operation of the Commission, it were found that the nomination of a Roman Catholic Church dignitary would tend to increase its efficiency or utility, the Crown would regard this necessity with favourable eyes, and not render it necessary for the Parliament to exhibit such distrust as to bind it down by itself to make such nomination. He hoped, therefore, the House would consent to accept the alterations as the Government had proposed in the measure without exacting concessions that ought hardly to be demanded. All he could say at present on the subject was, that the same spirit of conciliation and desire to consult the feelings and welfare of those concerned which had already been manifested by the Government would influence the nomination of the Commissioners, and he trusted this assurance would be deemed satisfactory.

Mr. *Shaw* said, that objections to the Bill after the proposed Amendments had been made, might, in his opinion, have been looked for from a very opposite quarter to that in which they appeared likely to arise; he, however, accepted the measure in the spirit in which it was offered, and should make no remarks hostile to that spirit, or calculated to discompose the feeling of harmony which had been exhibited on the other side of the House. He thought that there was an objection which still remained to the measure, and he made that observation with distinct reference to what had fallen from the right hon. Baronet below him, as to the expediency and propriety of leaving the Crown unfettered in its power of appointing the Members of the Commission to act under the Bill. He objected on this ground to the second Clause of the Bill, by which five Roman Catholic and five Protestant Commissioners were to be preremptorily nominated as members. He considered that this enactment would fetter the operation of the Bill, and create difficulties by keeping up distinctions which, it was professed, ought to be abolished, and which might occasion some one person in the Commission to take a different religious view of questions coming under its consideration from that adopted by another. Practically also the compulsory nomination of five Roman Catholics might be found extremely inconvenient, if not impossible to carry into effect, for a case might arise in which the Government would not be able to find five Roman Catholic gentlemen who were qualified and willing to acton the Commission, and how, under such circumstances, would the enactment be complied with? It would be far more in accordance with the conciliatory spirit which had been manifested towards the measure if the Government were to be left entirely unfettered as well on one side as on the other, giving the Crown the power of nominating such Roman Catholics to act in the capacity of commissioners as might be found willing and able to perform those duties.

Mr. *Sheil* said, that the sentiments expressed by the right hon. Gentleman who spoke last, were such as to do him credit. He would not break in upon the general feeling of harmony which prevailed on all sides with respect to this measure, but he lamented that he could not coincide in the suggestion thrown out by the right hon. Gentleman (Mr. Shaw), seeing that Ireland was in such a state as to render it expedient for her to secure her Jury, if it were within her power to do so. With reference to the adoption of the titles of Archbishop and Bishop into the Act, it was a mistake to suppose there was no precedent for the acknowledgments of those dignities in the Roman Catholic Church in the Parliamentary Records. In recent estimates, the Roman Catholic Bishop of Quebec was distinctly provided for under that title, and if it were objected that Canada was a Roman Catholic country, then he would point to Newfoundland, which was a Protestant settlement, the Roman Catholic Bishop of which place was likewise named, for a small sum to be sure, in the estimates; so that in two instances precedents for the Parliamentary acknowledgment of the title existed. The Roman Catholics of Ireland hoped that the right hon. Baronet (Sir R. Peel) would grant them a majority of ecclesiastics as their representatives at the Board of Commissioners. He had intimated that some ecclesiastics of that creed should form part of the Commission, but the Roman Catholics would greatly prefer a majority of them there. They had it in the case of Maynooth, and why not the present case? There existed on this subject a very strong feeling both amongst Roman Catholic laymen and the hierarchy of that Church in Ireland. He had received a letter from a Roman Catholic Archbishop on the subject, where in the writer declared that the 6th Clause of the Bill was an infringement on the tenets of his Church, such as no Roman Catholic layman would venture upon. It might be regretted that such was the constitution of his Church, but the fact could not be altered. To any fiscal interference the Roman Catholic hierarchy and priesthood could entertain no reasonable objection as far as laymen were concerned, but where doctrinal matters and questions affecting the discipline of their Church were to come under such supervision, the objections which they had to such proceedings were insuperable on both sides.

Mr. *D. Browne* had been informed by his own diocesan, that the Bill did interfere with the doctrine and discipline of the Roman Catholic Church. As a member of that Church, he could not do otherwise than believe this statement, and consequently he must oppose the 6th Clause, whereby a power was granted to certain persons to declare who were the Archbishops, Bishops, Deans, Archdeacons, and Priests of the Irish Roman Catholic Church, a power to which no person but one had hitherto ever laid claim, and which that person would never consent to see exercised by any one but himself. He hoped, therefore, the Government would not force a measure upon Ireland which the people there not only disavowed as a boon, but positively regarded in the light of an injury.

Mr. *Wyse,* for one, was of opinion that it was impossible for any civilized country to leave its charities and its charitable institutions without any control. It was, therefore, wise and a provident proceeding of the Government to adopt and to enforce some general form of proceeding under which the charities of the nation were administered. But there was likewise a species of charity distinct from, and totally unconnected with, that class to which he had referred, and which fell under the denomination of religious endowments, which consequently could not fall within the cognizance of the General Board of Charities established by the Government. He had no objection to the first portion of the Bill, but at the same time he carefully guarded himself against expressing any approval of parties individually put upon the Committee. He thought it would be advisable to make exceptions in favour of religious orders which were established solely for the promotion of Christian charity, and that they should have endowments.

House in Committee.

On the 6th Clause,

Mr. *Sheil* moved as an Amendment, that of the five Commissioners being Roman Catholics, to whom questions of doctrine or discipline concerning that Church shall be referred, three shall be Archbishops or Bishops of the Roman Catholic Church. He thought this an important principle, and he wished to obtain for it a legislative sanction.

Sir *R. Peel* was against fettering the discretion of the Crown. He assured the Committee that the subject should receive from Her Majesty's Government the fullest and the fairest consideration, but he thought that the decision and the selection on the subject should be left in the hands of the Crown, as a matter of grace and favour.

Mr. *D. Browne* was determined to take the sense of the House on it.

Mr. *M. O'Ferrall* said, that Her Majesty's Government had plainly intimated that three Bishops should be appointed, and he hoped that the Amendment would not be pressed.

Sir *R. Peel* said, that whether they decided against the Government or not could be to them a matter of no importance; for if they had no confidence in the advisers of the Crown the insertion of such an Amendment could afford them no protection, seeing that Ministers might, if they should feel so disposed, appoint three Prelates the least acceptable to the great body of the Irish people.

The Committee divided on the Question that the words proposed be inserted:—Ayes 14; Noes 36. Majority 22.

List of the Ayes.

Archbold, R.
Bellew, R. M.
Bernal, Captain
Blake, M.
Browne, hon. W.
Dawson, hon. T. V.
Esmonde, Sir T.
Howard, P. H.
McGeachy, F. A.
O'Connell, M. J.
O'Ferrall, R. M.
Somers, J. P.
Williams, W.
Wyse, T.

TELLERS

Sheil, rt hon. R. L.
Dillon, B.

List of the Noes.

Beresford, Major
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Brotherton, J.
Clerk, Sir G.
Corry, rt. hon. H.
Courtenay, Lord
Cripps, W.
Duncan, G.
Eliot, Lord
Escott, B.

Forman, T. S.
Fremantle, rt.hn.SirT.
Gladstone,rt.hn.W.E.
Graham, rt.hon.Sir J.
Greenhall, P.
Herbert, hon. S.
Hinde, J. H.
Hope, hon. C.
Humphery, Ald.
Jermyn, Earl
Knatchbull,rt.hn.SirE.
Lincoln, Earl of
Meynell, Capt.
Mitchell, T. A.
Peel, rt. hon. Sir R.
Polhill, F.
Pringle, A.
Rawdon, Col.
Smith, rt. hon. R. V.
Smith, rt. hn. T. B. C.
Spooner, R.
Sutton, hon. H. M.
Thesiger, Sir F.
Wawn, J. T.

TELLERS

Young, J.
Gaskell, J. Milnes

Clauses to Clause 13 were agreed to, with verbal alterations.

In the 13th Clause,

"Persons or bodies may by Deed vest lands, &c. in the Commissioners, in trust for building any Chapel or place for religious worship, of persons professing the Roman Catholic religion, or in trust for any Archbishop, Bishop, or other person in Holy Orders, in the Church of Rome, &c. and such estate, interest, or property, in such lands, &c. shall vest in and be holden by the said Commissioners, subject to the trusts of such Deed, without any writ or license other than this Act."

Colonel *Rawdon* moved to insert the following words:—

"Provided always, that if any question shall arise as to who is the Roman Catholic priest, or other Roman Catholic clergyman entitled to the benefit of any such Grant or Bequest as aforesaid, the same shall be determined by a certificate or other evidence from the Roman Catholic Bishop who is the ecclesiastical superior of the person who may be so entitled."

The Committee divided on the question that these words be inserted:—Ayes 19; Noes 38: Majority 19.

List of the Ayes.

Archbold, R.
Bellew, R. M.
Bernal, Capt.
Blake, M.
Brotherton, J.
Browne, R. D.
Browne, hon. W.
Dawson, hon. T. V.
Duncan, G.
Esmonde, Sir T.
Howard, P. H.
Mitchell, T. A.
O'Ferrall, R. M.
Plumridge, Capt.
Sheil, rt. hn. R. L.
Smith, rt. hn.R. V,
Somers, J. P.
Stewart, P. M.
Wawn, J. T.

TELLERS.

Rawdon, Col.
O'Connell, M. J.

List of the Noes.

Allix, J. P.
Beresford, Major
Boldero, H. G.
Borthwick, P.
Bowles, Ad.
Brisco, M.
Broadley, H.
Clayton, R. R.
Clerk, Sir G.
Corry, rt. hon. H.
Cripps, W.
Eliot, Lord
Escott, B.
Farnham, E. B.
Forman, T. S.
Fremantle,rt.hn.SirT.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir J.
Greenall, P.
Henley, J. W.
Herbert, hon. S.
Hinde, J. H.
Hope, hon. C.
Jermyn, Earl
Jones, Capt.
Knatchbull,rt.hn.SirE.
Knight, H. G.
Lincoln, Earl of
Peel, rt. hon. Sir R.
Polhill, F.
Rumbold, C. E.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Thesiger, Sir F.

TELLERS.

Young, J.
Pringle, A.

Clause agreed to.

On Clause 14,

"No Donation, Devise, or Bequest for pious or charitable uses, shall be valid to create or convey any estate in lands, tenements, or hereditaments, unless the Deed, Will, or Instrument be executed three calendar months at least before the death of the person executing the same."

Mr. *D. Browne* moved, that it be omitted.

Lord *Eliot* said, the effect of the Clause would be, to place the Roman Catholics upon a better footing than any other class of Her Majesty's subjects. It did not affect personal property, and was only a relaxation of the Statute of Mortmain.

Mr. *Sheil* opposed the Clause. It seemed to be very absurd that a man could leave 10,000*l.* to a Roman Catholic priest a few minutes before he died, but could not leave five acres of land. There was no real distinction between leaving money and leaving land in trust.

Mr. *T. B. C. Smith* (Attorney General for Ireland) defended the Clause. The distinction referred to by the right hon. and learned Gentleman had been recognized in this country for a lengthened period.

The Committee divided on the question that the Clause stand part of the Bill:—Ayes 48; Noes 9: Majority 39.

List of the Ayes.

Allix, J. P.
Beresford, Major
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Brisco, M.
Broadley, H.
Brotherton, J.
Clayton, R. R.
Clerk, Sir G.
Corry, rt. hon. H.
Cripps, W.
Dawson, hon. T. V.
Duncan, G.
Eliot, Lord
Farnham, E. B.
Fellowes, E.
Forman, T. S.
Fremantle,rt.hn.SirT.
Gaskell, J. Milnes
Gladstone,rt.hn.W.E.
Gordon, hon. Capt.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Hale, R. B.
Henley, J. W.
Herbert, hon. S.

Hinde, J. H.
Hope, hon. C.
Howard, P. H.
Hutt, W.
Jermyn, Earl
Jones, Capt.
Knatchbull, rt. hn. Sir E
Knight, H. G.
Lincoln, Earl of
Peel, rt. hn. Sir R.
Polhill, F.
Rawdon, Col.
Round, J.
Smith, rt. hn. T. B. C.
Somerset, Lord G.
Spooner, R.
Stewart, P. M.
Sutton, hon. H. M.
Thesiger, Sir F.
Wawn, J. T.

TELLERS.

Young, J.
Pringle, A.

List of the Noes.

Archbold, R.
Bellew, R. M.
Browne, hon. W.
Esmonde, Sir T.
O'Connell, M. J.
O'Ferrall, R. M.
Sheil, rt. hn. R. L.
Somers, J. P.
Wyse, T.

TELLERS.

Blake, M.
Browne, D.

Clause agreed to.

Clauses to the 19th also agreed to.

House resumed. Committee to sit again.

House adjourned at a quarter past eleven o'clock.

HOUSE OF LORDS,

Friday, August 2, 1844.

Minutes.] Bills. *Public.*—1ª. Fisheries (Ireland); South Sea Company; Merchant Seamen.

2ª. Slaughtering Horses; Controverted Elections; Clerks to Attorneys; Consolidated Fund (Appropriation); Spirits (Ireland); Savings' Banks; Woods and Forests Accounts; Grand Canal (Ireland).

Reported.—Duchy of Cornwall Lands; Militia Pay; Criminal Justice (Middlesex); Joint Stock Companies Remedies at Law; Joint Stock Banks Regulation; Customs (New South Wales); Books and Engravings; Protection of Purchasers, etc. (Ireland); Municipal Corporations.

3ª. and passed:—Metropolis Buildings; Railways; Unlawful Oaths (Ireland); Turnpike Trusts (South Wales); Church Endowment.

Private.—2ª. Tralee Navigation and Harbour.

3ª. and passed:—London and Croydon Railway; Swansea Improvement.

Petitions Presented. From Strabane, and 3 other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.—From Kendal, in favour of proposed Reduction of Duty on Foreign Wood.—From London Friendly Union, for Legalizing the Proceedings of Art Unions.—From Port Philip, New South Wales, for Inquiry into the Removal of Judge Willis.—From Guardians of Gloucester Union, for the insertion of a Clause in County Coroners Bill charging the Expenses of Inquests to the County.—From Ossett cum Gawthorpe, against the Truck System.

Tunis—Execution of a Maltese.] Lord *Beaumont* wished to put a question to the noble Earl the Secretary for Foreign Affairs on this subject. From questions which he had already put, and Returns which he had received, he believed that the Dey of Tunis and Sir T. Reade, our Consul, had both of them, in this matter, acted strictly in conformity with treaty; but the behaviour of the Consuls of the European nations at Tunis was by no means so satisfactory, they having protested against Sir T. Reade's conduct and endeavoured to thwart his proceedings; and he now wished to know whether or not the noble Secretary for Foreign Affairs had received from those Foreign Governments whose Consuls had taken part in the proceedings at Tunis against Sir T. Reade, such explanation and reparation as he considered satisfactory.

The Earl of *Aberdeen* said, it was necessary that he should explain to their Lordships the nature of the question just put to him. The case referred to was this:—A Maltese had committed a double murder at Tunis; he had murdered a Tunisian and a countryman of his own. Now by certain privileges enjoyed by Christian Nations in the East, they possessed right to try criminals, being subjects of their own, by their own tribunals, for crime committed among themselves—this was considered a great privilege, and every Christian Power had a similar interest in its exercise. Now, it appeared to the Consuls at Tunis, that Great Britain ought to have exercised this right of trying this Maltese for the crimes which he had committed, according to English law, instead of handing him over to be dealt with by the Tunisian authorities. There was, perhaps, nothing very unreasonable in this opinion, and he was not surprised that the Consuls should entertain an opinion that the conduct of Sir T. Reade was an abandonment of a privilege always held to be of the first importance to Christian Powers. However, by our treaty with Tunis, there could be no doubt that the representative of Great Britain was bound to deliver up to the Tunisian authorities a criminal under the circumstances of the criminal in this particular case, to be dealt with according to the Tunisian law. We did so, the man was tried by a Tunisian tribunal in the presence of our Consul, and was found guilty—and he had no doubt that the trial was a fair one, there was nothing to complain of on that ground. However, the other Consuls protested against this proceeding, feeling that they had a common interest in protesting against what they considered to be an abandonment of rights which they possessed in common with ourselves. He admitted that this was improper on their part, and that neither they nor their Governments had a right to interfere with us in the execution of a treaty by which we were bound. They, however, so far succeeded with the Dey as to induce him to respite the criminal, and delay the execution until the matter had been referred to the British Government; that reference was made, and he (Lord Aberdeen) having seen no reason to interfere with the course of justice, gave an opinion that the law ought to be allowed to take its course. The man was accordingly put to death, and he believed most justly so. The noble Lord would, therefore, see that the British Consul and Government had obtained full justice as to this criminal, and that the protest of the other Consuls had no effect beyond that of delaying the execution of the sentence for a few weeks. Nevertheless, he had thought it his duty to represent the facts to the Governments which these Consuls represented; but, as to "reparation," he had no reparation to demand—the culprit in fact was executed. If the Foreign Consuls had succeeded in stopping the execution, he (Lord Aberdeen) might have been obliged, however painfully to his feeling, to have interfered; but, as this had not been the case, and under all the circumstances, he had only felt it necessary, as he said before, to represent the matter to the Governments which these Consuls represented. Up to the present time he had not received answers from all those Powers, but by several of them he believed the conduct of their Consuls had been more or less reprehended. The French Government, however, he regretted to say, could see nothing to blame in the conduct of their Consul. They considered that he had done no more than his duty in maintaining the privileges enjoyed by all Christian Powers, and that we should have insisted on this Maltese having been tried, not according to the Turkish, but according to our own law. Certain of the other Powers had, however, seen the matter in so different a light, that the Governments of Sardinia and of Sweden had both of them recalled their Consuls. The other Powers—with the exception which he had mentioned—had more or less expressed their disapprobation at the course taken by their Consuls: but as to a demand for reparation, really there was no room for any such proceeding. What had taken place had shown that the English Consul had exercised more power and influence than all the other European Consuls put together. The man had been brought to trial, condemned, and executed according to the approval of the British Consul. Perhaps he (Lord Aberdeen) might with a little ingenuity—if he had nothing better to do—get up a discussion to show the French Government how much our Consul was in the right, and how much their Consul was in the wrong, but as such a proceeding could lead to no useful result and we had really carried our point, he had been satisfied with expressing the opinions of Her Majesty's Government upon the transaction.

Lord *Beaumont* would remind the noble Earl, that our treaties with Tunis were totally different from our treaties with the other dependencies of the Ottoman Empire, or with even the Ottoman Empire itself. There was a treaty existing with Tunis, which specially provided that any party charged with the crime of murder, or any other crime for which the punishment of death was inflicted, should be tried by the courts of that country. So that when Sir Thomas Reade and the Dey were urged to allow the man to be tried in a Christian court, they were urged to break a treaty. He (Lord Beaumont) could not give any merit to the noble Earl opposite for having this man hanged. On the contrary, he thought if credit was due to any one, it was to the Dey. [*Laughter.*] It might be a laughing matter to their Lordships, but it was no joke to those Christians whose lives were in jeopardy in the Turkish States. He confessed he was somewhat disappointed with the statement of the noble Earl, for he had hoped he would have taken that opportunity of establishing something definite as to our consulate jurisdiction, and he regretted that the French Government had not looked upon the matter in the same light as the other European Powers who had reprimanded their Consuls for their interference.

The Earl of *Aberdeen* was at a loss to know what more the noble Lord would have. What did he want the Government to do? Were they themselves to execute justice in Tunis, or were they not rather to see that justice was done to British subjects residing there? In the case to which the noble Lord had referred, the criminal was under the protection of this country, and it was the business of the Government to see that justice was done to him, and that had been done. The noble Lord was mistaken in supposing that every crime subject to capital punishment committed by a Christian in Tunis was to be tried by the courts of his country; and in this case, if the man had not murdered a Tunisian as well as a Maltese, we might have tried him, and the Dey could not have done it. The Dey had all the responsibility and all the credit of executing justice in his own territory, and it was not for us lightly to interfere; but in this case the Dey delayed the execution of a just sentence until he had consulted the British Government, and the Government had replied that though the criminal was a subject of Great Britain, that was no reason why he should be withdrawn from the execution of justice, and accordingly he was properly put to death. If the man had murdered a Maltese he would have been tried by the Christian tribunal; but he murdered also a Tunisian, and that crime brought him under the jurisdiction of the Turkish tribunals. The Dey, however, showed so much deference to the English Government as to suspend the execution of the sentence until he had communicated with Her Majesty's Government. Her Majesty's Government had given their opinion on the matter, and that opinion had been acted upon—he did not know what more the noble Lord would have.

Lord *Beaumont* thought some reparation should have been given by France similar to that which had been given by the other Powers who had recalled or reprimanded their Consuls for interfering. So far, however, from that having been done, they found that the French Consul had received all sorts of thanks and testimonials presented by deputations of his countrymen—and for what? Why for opposing Sir Thomas Reade our representative. The question had now become one between France and Great Britain—and the noble Lord did not seem to him to have met it as such.

The Earl of *Minto* said, if he understood rightly the explanation which had been given by the noble Earl, he had seen no ground of complaint in the circumstance of the Consul of a foreign state interfering in a matter purely between a subject of this country, the Consul of this country, and the court to which he was accredited. The noble Earl saw nothing requiring explanation in the circumstance of the interposition of an officer representing another Government in a matter exclusively concerning the subjects and interests of this country. It appeared to him to be a very grave matter.

The Earl of *Aberdeen* said the noble Earl had not understood him. He had stated most distinctly that there had been a most improper interference on the part of the Consuls of other Powers at Tunis, and that he (Lord Aberdeen) had represented to all the Governments whose Consuls had so improperly interfered, and represented in strong terms the opinion of Her Majesty's Government in respect to that interference. But as to reparation—he had none to ask, for the man had been already hanged, and the Governments to which the representations of improper interference had been made had condemned the conduct of their Consuls, and reprimanded them, except France, who had not seen anything to complain of in the conduct of her Consul. It was thought to be a question of common interest with all Christian Powers that they should have the right to withdraw their subjects from the jurisdiction of Mahommedan courts, and the Consuls of the other European Powers thought we had, in some degree, abandoned those rights which all Christian Powers possessed in the Levant, in the course we had taken in regard to this matter; but there was nothing whatever in the matter for which we could demand reparation.

The Earl of *Minto* had understood the noble Earl to convey something in the shape of an apology for the conduct of those countries who had so improperly interfered; but he had not heard from him any assurance that all similar interference would be prevented in future.

Subject at an end.

RAILWAYS BILL.] On the Motion of Lord Redesdale, the Bill was read a third time (according to order).

On the question, that "the Bill do pass,"

The Bishop of *London* rose, pursuant to notice, to move an Amendment to the 6th Clause, to the intent of preventing railways from being compelled to run trains on the Sabbath. By the present system, perfect freedom of action was permitted to all Railway Companies as to the number of trains run upon their lines on the Lord's Day. There was no interference with them, nor, as originally proposed, had this Bill contemplated any such interference—the Clause respecting the Sunday trains not being compulsory. In the course, however, of its passage through Committee in the other House, an hon. Member (Mr. Thornely) had moved to introduce certain words into a Clause, under which words, Railway Companies would be forced to provide carriages for third-class passengers travelling upon Sundays. The right hon. Gentleman, the President of the Board of Trade (Mr. W. E. Gladstone), had opposed the introduction of those words; but, after he had ceased speaking, a number of Members, who usually voted with the Government entered the House, and, without stopping to make themselves acquainted with his argument, voted for the Amendment, in many cases, as he believed, under a misconception as to its nature. The effect was that now, for the first time, the Government of this Christian nation professed to interfere to compel provision to be made for cheap travelling upon the Lord's Day. Heretofore, it had been thought sufficient not to prevent such travelling—now, however, measures were about to be taken with a view to compel it. He must say, as a Prelate of the Church of England, that he thought such a step was a step in the wrong direction. The principle had hitherto been to encourage by legislation, as far as possible, the due observance of the Lord's Day; and though the Act of Charles II. which imposed penalties for the non-observance of that day had fallen into disuse, the Legislature had never until now, encouraged by direct enactments, its desecration. He had no wish to interfere to prevent Railway Companies affording facilities to all classes to travel on the Sabbath if they thought fit, and if they found it worth their while they would do so, no doubt; but what he objected to was that they should be compelled by law to provide those facilities. Their third-class trains would not be used, as some might suppose, for short pleasure trips, but being slow trains, they would in all respects be business trains, and would be used by the working classes to go from one part of the country to another, where their was more demand for their labour. They were not the trains which were provided for passengers who were seeking pleasure and relaxation, and therefore they would not answer the purpose of taking the people out on Sundays from crowded cities and towns in order to enable them to recruit their health or increase their enjoyment of life. They were, as he said before, trains adapted for business purposes, and why should the Government of the country, for the first time, interfere to force Sunday travelling upon the people, by enacting that these business trains should everywhere be caused to run? Besides, let him remind their Lordships, if these trains were to run, the inspectors appointed by the Board of Trade must be out to see them run, and to enforce compliance with all the conditions of the Act. Would not this be the first time that Government officers would be employed, under the requisition of an Act of Parliament, to see that certain parties pursued their business upon the Lord's Day? The Directors of the different Railways, too, were in many cases making laudable exertions to afford opportunities to their servants to attend Divine Worship on the Lord's Day. Let the House observe what an impediment this Clause of the Bill would throw in the way of such an excellent intention. But, as he said before, what he chiefly relied on was the unadvisableness of any Government in a Christian country, for the first time lending its sanction to such a novel principle as that of a compulsory provision for travelling upon the Sabbath. He was not advocating that any restraint whatever should be put upon travelling on that sacred day, when such travelling was thought to be necessary and desirable; whatever might be his own opinion on that point; but what he did require was, that Parliament should not make it compulsory, and therefore he should move that the words "every day," in the 6th Clause, be omitted, in order to insert these words, "every week day except Christmas-day and Good Friday."

Lord *Brougham* said, he was one of those wh looked upon every thing which tended to the desecration of the Sabbath Day and the interruption of Sabbath rest as a great evil, and as a breach of duty—and not only as not conducive, but as prejudicial to the interests of the poorer classes, and by that he meant, above all, the working classes; but, on the other hand, they ought to take into account one circumstance, which was a fact of undeniable truth, that so far from the Sabbath being less well kept in this country now than in former times, it was in every way so much better kept, that there was no foundation whatever for the extravagant and exaggerated zeal that many persons displayed, who viewed as the great and crying evil of the present age the desecration of the Sabbath Day: for he must say, that with the exception of that country which had given him birth, there was not a country in Europe in which the Sabbath was better kept than in England. And if he were called upon to point out that one place in England where the greatest improvement in this important particular had taken place, he should point to that great metropolis in which they then were. When he remembered, some fifteen or twenty years ago, the way in which it was not kept, and saw the great change which had now taken place, he confessed that to him the improvement appeared almost marvellous. For the purpose of having the Sabbath well kept, they must make the day a favorite with the people—they could not by legislation go further—for they would always find in the end that the keeping of the Sabbath must be regarded as a matter of morals and feeling, and not a thing they could enforce by making the desecration a punishable offence. That being the nature and condition of the question, the Parliament ought to take especial care in all they did, and in all they omitted doing in the matter, to carry public opinion with their legislation, and, above all things, they should avoid any thing that might have a tendency to make Sabbath-keeping unpopular. Extreme puritanical rigour, and enforcing the keeping of the Sabbath, was not only bad in principle, and most pernicious in its consequences, but more than any thing else tended to frustrate the object they had in view, and by making the people hate the Sabbath, conduced manifestly and directly to Sabbath desecration. What he was anxious for was a just medium between the ascetic observance of Scotland and the laxity of Catholic countries in this respect; and that was the medium which he thought this country was attaining. He wished to see the people attending their religious duties in the morning, and devoting the evening to healthful recreation and amusement. In some respects this was the case in other countries; but still, as in Paris for instance, though there was a marked improvement upon the habitual and systematic desecration of the Sabbath which had been introduced at the Revolution, there was yet a disregard for that day exhibited in the carriage of timber, and the employment of persons in their every-day occupations, which he should be sorry to see introduced here. If the people went to church in the morning of the Sunday, what harm could there be in their enjoying themselves in the evening of that day? He was a friend to the maintenance of the sanctity of the Sabbath, and a great advocate for its reasonable observance—but could anything be more cruel than to prevent the poorer classes of Manchester, of Liverpool, and London, who were cooped up in the dark courts and alleys of those towns, and in the garrets, cellars, and work-rooms of Spitalfields, never or scarcely ever seeing the light of the sun during six days of the week, never breathing the fresh air during that time—could anything be more cruel or unjust, than to interfere to prevent these people from walking out on the Sunday and enjoying, not the sight of the sun and the fresh air a little, but a little of the country also, at an expense they could bear? It was, in his view, a good and wholesome observance of the Sabbath to go to Church in the morning, and in the evening to the country and the green fields, and, he said, let the people, in God's name! enjoy the country, if they could do so on that only day, and during those few hours of the week in which they were relieved from the toils of the week. He had lately come up from Brighton, on one of the finest mornings he had ever seen—he knew not why the health and amusements of the people should be made the subject of mirth, instead of one of a question of fellow-feeling and sympathy—he had recently travelled up from Brighton by the railway on one of the finest Sabbath mornings he had ever seen; a train passed at the station where he stopped, and in that train he saw somewhere about 600 or 700 persons as decently dressed as it was possible for them to be, with their wives and daughters, completely filling the cheap trains, and upon enquiry he found that they had to pay 4*s.* each as the fare to Brighton, 4*s.* to return, allowing them 4*s.* to spend there, he found that they thus, for some 10*s.* or 12*s.*, could have the delight of a long and pleasing journey on the railway through the country, of seeing the green fields, and inhaling the fresh air during the journey: and, more than all, of spending some three or four hours by the sea side. Could their Lordships be insensible to the advantages which these poor people thus derived, after having been pent up during six days in the heat, the filth, and the darkness of the streets and courts of London? For his part, his (Lord Brougham's) heart leaped within him when he saw that large body of his fellow-countrymen and countrywomen enjoying so wholesome and salutary, and, at the same time, so innocent a recreation. Innocent it was in the greatest degree, and enjoyed, as he believed it was, without any of that dissipation and immorality which, if by law they had been compelled to remain in town, either by a direct law to keep them in London, or by placing obstacles in the way of their going into the country, and by which, instead of spending the Sabbath soberly, healthfully, and morally, they would have kept it in the ale-houses or gin palaces which so plentifully studded this metropolis. For these reasons, and being always anxious to see as little prevention placed in the way of the innocent and healthful recreations of the poor during the only time in which they could enjoy them, viz., the latter part of the Sabbath, he trusted that nothing that would interpose any obstacle to these recreations would meet with their Lordships assent.

Lord *Monteagle* was anxious to say a few words, not with a view of adding anything to that powerful and noble appeal his noble and learned Friend had made to the sympathies and understandings of their Lordships, but rather to place the question on its right foundation, and remove an impression which might otherwise have been created in the minds of their Lordships by the speech of the right rev. Prelate. The right rev. Prelate might turn to his noble and learned Friend, and say that, without following him through all his argument, that argument was not opposed to his proposition. The right rev. Prelate might say, I do not propose to prohibit Sunday travelling; I want merely to leave matters as they are under the existing law; and if, under that law, people could now obtain that enjoyment which he had so well described, we may very reasonably suppose that they will have equal facilities under the new law. According, as he (Lord Monteagle) did, from the bottom of his heart, with his noble and learned Friend in all his observations, he was anxious to reply to the forcible argument which might be urged against him. He would undertake to prove, if their Lordships adopted the Amendment, matters would not be left in their present condition, or remain as they would otherwise have been if this Bill had never been introduced. Practically speaking, all the inconvenience that would result from a prohibitory Clause would be realized, if the provision which the right rev. Prelate sought to expunge were not inserted. Their Lordships would remember what was the explanation which had been given by the noble Earl opposite on introducing the Bill; they would recollect how much stress he had laid, and justly laid, on the desire of the Government to give increased facilities for travelling to the poorer classes; and it was quite clear that, to justify the Bill as it stood, these compulsory Clauses were relied upon by the Government as necessary to ensure for the poorer classes the accommodation the Bill required to be afforded to them. If that compulsory Clause was not introduced the Railroad Proprietors would never consent to give that accommodation to the poorer classes. If the noble Earl struck it out of the Bill—if he said that the Railroad Proprietors would give the accommodation without the Clause, then where was the merit of the Government in having such a Clause introduced? Either the Railway Proprietors would do it of their own accord, or they would not. If they did it of their own accord, then the interference of the Government was not required; but the noble Earl knew perfectly well that the means of conveyance supplied to the poor were made as disagreeable as possible, and had acted, in fact, as a punishment upon the poor. It was on that ground that the Government was warranted in interfering, and introducing this compulsory Clause. The Government interfered in one respect for the benefit of the public—why not include in its care a provision exclusively for the advantage of the poor? The right rev. Prelate observed that this was the first instance in which the Government had interfered to compel travelling on Sunday. [The Bishop of *London*: With only one exception, the transmission of the mails.] But where was the difference? It was a Christian obligation, or none at all. And how did the Government keep the Sabbath in respect of the Post Office? They kept the Sabbath as to the Post Office in London; but let them go ten miles from London, and there their Christian conscience deserted them. All over the Empire the business of the Post Office was transacted on Sunday, and he only found that their Christian consciences applied on Sunday to London;

Dublin, and Edinburgh. They compelled travelling for the mails, but by the Amendment they would refuse to the poor alone the means of travelling. He remembered on one occasion travelling in England to have met with a similar instance of inconsistency. He required to pass the Severn. The authorities of the town where he was permitted a ferry to ply on Sunday, and to transport horses and carriages from one side of the river to the other, but they would not allow any steam-boat to run on that day; the inconsistency in that case being rendered more glaring by the fact, that the ferry was worked entirely by human labour, and the steam-boat by mechanical labour. Now, on what earthly principle were they to allow recreation where human and animal labour was required, and to forbid it where human labour was the least, and where the labour was chiefly mechanical? The right rev. Prelate had said, that these cheap trains would travel at a slow rate. They would not travel at a less speed than ten miles an hour, and that would enable parties to go down to Windsor or to Brighton and return the same day. If a rich man wished to travel on Sunday there was not a railway on which he might not enjoy the luxury, if he pleased, by the higher priced trains; but then the Amendment of the right rev. Prelate, whilst it allowed the transmission of first-class passengers, prohibited—for it amounted to that—the transmission of the poor third-class passengers; when they left the first-class free, they prohibited the poor enjoying the Sunday as a day of relaxation. It had indeed been said, with great truth and force, that they allowed an indulgence to Dives, but they refused any to Lazarus. Were they prepared to say to the people of England, after the proposition had been adopted by the other House of Parliament, of giving equal facilities to the rich and the poor on the Sundays as on week days—that they would take away that advantage to the poor which it was the intention of the Government and the House of Commons to give them; and to leave to the rich—to themselves in truth—the very same advantage? Again, the right rev. Prelate attempted to raise an argument by saying that the Inspectors from the Board of Trade would have to visit every railroad on Sunday. There could not be a more unfounded supposition; because, if the Inspectors were to be employed on Sunday, there would be the same necessity for their attendance at the different railroads on every other day; and if so, duties were to be imposed on the Board of Trade which, he believed, they would be the first to reject and repudiate The question had hitherto been dealt with as a matter of pleasure, but were there not other considerations that might influence them? Could they not imagine a young workman passing his days of labour far away from his family, his connections, and the persons with whom he had been brought up, and to whom his constant return was one of the best and surest guarantees for his own good conduct and virtuous life? Sunday, their Lordships ought to know, was the only day on which the workman could visit his family, who were at any distance from him. Let them, then, not introduce any inequality; let it not be said of them, that they were careful of themselves and regardless of others; but let them not do it on a ground which, if it were the one they acted upon, they would be bound to carry the proposition infinitely further than it had been done by the right rev. Prelate.

The Earl of *Wicklow* supported the Amendment.

The Marquess of *Clanricarde* remarked, that the Bill did not compel any railroad to carry passengers on a Sunday. It only established this, that if Dives did travel on the Sunday, so might Lazarus. It did not compel any railway to run on Sundays; but it did compel this, that if a rich man should have provision made for his enjoyment, so also should the poor. If the mere matter of pleasure were to be considered, then he said the poor man ought infinitely to be preferred to the rich, for the rich man had six days in the week for his pleasure—the poor man but one. Then as to business, if it were excusable for a rich man to follow his business on a Sunday, how much more so for a poor man, who had no other day? The plain question was this, whether their Lordships would have accommodation themselves which they would deny to the poor man?

The Duke of *Wellington* said, it appeared to him, after having heard this discussion, that their Lordships did not entirely understand the Bill; and, perhaps, it might be desirable for their Lordships to adjourn this discussion. Nobody could desire, and it could not be intended by anybody, to compel the Proprietors of Railways to run carriages on Sunday, and, on the other hand, there was no prohibition to prevent travelling on Sunday. All that was desired by the Bill was this—that the Railroad Proprietors should provide carriages of a particular description, and going at a certain rate, for third-class passengers. Now it was proposed that where other persons travelled on a Sunday, that this class should be prevented from doing so. He begged to submit to the right rev. Prelate one consideration, which he was sure that right rev. Prelate would feel. There was nothing to prevent persons travelling in third-class carriages for three or four days together, in which days a Sunday might intervene. There could then be nothing more unreasonable than to require the third-class passengers to remain stationary on Sundays, when the carriages of other classes were going forward. It could not be the intention of the Amendment of the right rev. Prelate to do this; for, in the first place, persons would by it be put to great expense—that expense falling upon those not able well to bear it; and then he was afraid that it would happen that at whatever place or railroad station those persons might happen, by his Amendment, to be stopped on the Sunday, that they would not find the means of attending Divine Service, because the might not be able to find any place of religious worship capable of holding them in addition to those who regularly attended them. Under the circumstances he thought they ought to adjourn the discussion to Monday next.

Lord *Campbell* undertook as a lawyer to declare that the Clause was not compulsory, if the Railroad Proprietors thought fit to run no trains on the Sundays. If it were determined to run no train, whether slow or swift, the Clause would not compel them to do so; but then it provided that if the railroad did send on trains for the benefit of the rich, they should, for the benefit of the poor provide third-class carriages. He thought it would be more fair to propose a Clause prohibiting travelling on the Sunday altogether than an Amendment like the present, which drew such a distinction between the poor and the rich.

Lord *Brougham* said, that a calculation had been made as to 700 persons visiting Hampton Court on the Sunday. These 700 were conveyed by means of the labour of three individuals; whereas, if they went in coaches, to enable them to do so 120 persons must break the Sabbath.

The Bishop of *London* replied: He had been misrepresented on the other side. His simple object was to prevent the direct interference of the Government on the subject; that the Government should not by its interference facilitate traffic on that day.

The Earl of *Radnor* wished, if they were then going to a division, that it might be borne in mind that the Clause was one for enabling the poor to travel by a railway train whenever the rich man did so.

Debate adjourned to Monday.

UNLAWFUL OATHS (IRELAND) BILL.] Lord *Wharncliffe* moved the third reading of this Bill.

The Marquess of *Clanricarde* called attention, in connection with this subject, to that system which had been discovered to be in active operation in Shinrone. There could be no doubt that police constables there had been inducing persons to commit crimes. He wished now to know from the Government what steps they had been taking on that subject. He hoped that some stringent measures would be adopted; and for the purpose of showing what sort of witnesses the Crown was compelled to rely upon, he should state a case which was mentioned in the papers of that very day:—

"I suppose you never intentionally told lies?—I did not.

"Will you swear that?—In the first information I swore I did not tell the truth.

"Oh, you did not tell the truth? Now, that was lie the first, was it not?—I suppose it was.

"How long was it after the murder before you lodged the first information?—In the July after.

"I believe you lodged other informations?—I did.

"How long was that after the time you swore the first information?—It was last winter.

"You were in custody at that time?—I was.

"I believe it was in consequence of some religious feelings that you came to swear your second informations. Nay, don't smile, man. The question may appear a silly one, but I wish to have it answered. Now, on your oath, was it not on account of some religious scruples that you went a second time to swear informations?—Witness (doggedly): It was; I could not go to my duty till I had done so.

"Well, I suppose you told the truth then?—I did not [sensation]. I did not wish to bring in myself as one of those that done it.

"And that was lie the second, on your oath?—It was.

"And told for a religious motive?—I wished to save myself.

"And hang as many as you could?—I did not say that.

"But you would swear a lie to save yourself? I would.

"Baron Richards: Stop a moment. Now, listen, witness. Would you deliberately swear a lie to save yourself from punishment?—I would [sensation].

"Mr. Walsh; I think you said, in your examination by the counsel for the Crown, that you saw John and Patric Wade inside the ditch on coming up?—I did.

"Did you state that in your first examination?—I don't know.

"The learned counsel here read the informations sworn to by the witness on the 16th of February, 1844.

"The Court: Now is that information true?

"Witness: It is, except that I denied myself to be one of the party.

"Mr. Walsh: And that is the only lie in it?—It is.

"That is the only lie in it on your oath?—Which?

"That about the stranger you talk of?—It is all true except that I called myself the stranger.

"Mr. Walsh: Now, I will read you another.

"Mr. Scott, Q. C.: Stop; this is not an information; it is only an examination.

"The Court: Every thing that he has stated should be taken into account. I have not the least scruple in giving the counsel for the prisoner every possible assistance in the cross-examination of this witness.

"The learned Gentleman then read the paper.

"To witness: Now, that is your third account?—I dare say it is; but I was keeping myself out all through.

"Mr. Walsh: You talk of John Wade's asking you for a pistol. Are you in the habit of keeping one?—I told him I had not handled one for that year.

"Mr. Walsh; Why, that was only on the 30th of March. Come, tell me on your oath, when did you handle one before the murder?—I could not tell the day; I'm no scholar.

"Mr. Walsh: Come, Sir, I don't want the day, nor even the month; but tell me how many years it is since you handled a pistol?—About five or six months before the murder.

"You were fond of firing at a mark? Look how the fellow laughs! Pray, what did you fire at?—At an old hat.

"With a head in it, I suppose?—No there wasn't.

"And why did you fire at that hat—to keep your hand in practice, I suppose?—I suppose so.

"Pray, where did you set that hat when you fired at it?—On the top of a ditch.

"Just above it, as if a man's head was in it?—Yes [sensation].

"Where did you get the pistol?—I stole it.

"Were you ever accused of seducing a girl?—No.

"But did you ever swear that you would seduce as many as you could?—I did.

"And you certainly would have done so?—Of course I would [sensation].

"Now, Sir, according to your own account, you are a robber, a perjurer, and a murderer. You have sworn that you helped to knock the man's brains out who was murdered?—I did.

"Now, did that man ever offend you? had you ever any quarrel? did he ever speak an angry word to you, or had you the least cause for murdering him?—No [great sensation].

"How much do you expect, how much blood-money for each person you have hanged?—I don't know.

"And you would live upon that money?—I would."

If the Government were such as to give the people of Ireland confidence in the administration of justice, they would resort to the Courts of Law for protection, and would in time abandon what was called "the wild justice of revenge." He warned the Government against reposing in fancied security; for although Ireland was more free from crime now than it had been for many years, yet he said that there never was a time when the spirit of agitation had sunk deeper into the minds of the people, or done more mischief than it was now doing. He did not question the policy of the prosecution instituted against Mr. O'Connell and his associates, but in referring to the Repeal Association, he must be allowed to remark that a feeling in its favour was rapidly gaining ground, and that that confederacy at present wore a most dangerous appearance. The Repeal Rent had swelled from 100*l.* odd in the week, to thousands; and since Easter little short of 25,000*l.*, if not quite that amount, had been contributed to it by the poorest portion of Her Majesty's subjects. It was a remarkable fact also that at two elections which had taken place recently, the Gentlemen who were elected pledged themselves to attend in the House of Commons whenever the good pleasure of their constituents might permit them, but to attend at the Repeal Association regularly as a matter of duty. At no time had that association presented a bolder front of defiance than at present. During the last week the following language was used in Dublin:—"What would be the position of the Empire if the Irish should say, 'You have trampled on our rights in peace, how can you ask us to shed our blood for you, or pay you taxes in war?' What would be the result if the Irish people acted thus? He would not, however, speculate on any such contingency, but he would tell the British Government this, that in order to obtain the support of the Irish people, which would enable them to defy the world, they should be prepared to consent to a Repeal of the Union." He mentioned these things, because it seemed to him that the system of the Government with respect to the Repeal question, and with respect to Ireland, had totally and entirely failed, and he thought that those who were about to repair to that country were justified in endeavouring to elicit from the Government some assurance that endeavours would be made to secure, if possible, a greater degree of tranquillity than had prevailed during the last autumn and winter. When the Repeal question was originated in 1834, and when his noble Friend near him (Lord Monteagle) did so much good service to the State, by completely defeating Mr. O'Connell, and demonstrating that the Union was more beneficial to Ireland than to England, a promise was made on behalf of the Crown and of Parliament, that well considered measures of improvement would be brought forward for the benefit of Ireland, and the removal of all just causes of complaint; and this assurance had the effect of pacifying the people of Ireland—Repeal was given up for a time, and "Precursor Societies" were established, whose principle was to see what would be done for Ireland before recourse was had to Repeal; the late Government had endeavoured to redeem that pledge, and they succeeded to a great extent in conciliating the confidence and support of the Irish people; but those who constituted the present Government obstructed the measures proposed by the former Government to give satisfaction to the people of Ireland, and it was their duty, on coming into power to consider what they could do to remove the obnoxious views which were in consequence entertained of them in that country, for when the Prime Minister said that "Ireland was his chief difficulty," he must have had in his mind the conduct of his party when in opposition. When, therefore, they took office it was their duty to show that the professions which they had held out of liberal dispositions towards Ireland were sincere, and to prove by their acts that their good intentions towards Ireland were something more than mere expressions. Yet at the end of the third Session of their tenure of office, nothing had been done, and if they went on doing nothing, the demand for Repeal, which had already spread to a fearful extent, would increase to such a degree that the longer they deferred settling it the more difficult they would find it to eradicate it. And not only had nothing been done, but nothing positive even was held out. He would admit that the Bill respecting Charitable Bequests was a most excellent Bill; but it was merely an improvement of an already existing Board, and enabled Roman Catholics to do that which they could do without, the necessity of any new law. With respect to the subject of National Education, they were leaving it in pretty much the same condition in which it had been before. It was true they had increased the grant for National Education; but the increase of the population of Ireland was such that they must either greatly increase the grant or abandon the system altogether. And how, again, had they shewn, in their selection of Bishops, their consistent advocacy of the plan? Why, they had selected for promotion to a Bishopric an individual whose most distinguishing claim appeared to be his bitter hostility to the system of National Education. But if they were desirous that the people of Ireland should believe they were in earnest on that subject, they ought to adopt a different course of conduct. This Session had been barren of laws affecting Ireland, but if it had been barren of laws it had not been barren of Bills, and amongst those which were brought forward was one which was well calculated to increase and strengthen the Repeal agitation in Ireland—he alluded to the Bill brought in upon the subject of the constituency of Ireland and the elective franchise in that country. The constituency in that country had dwindled away, but the Government introduced a Bill this Session, which, instead of having for its object the extension of the franchise, was intended to make the law with respect to registration more stringent, and the effect of which would be to limit the constituency. Why, then, in the present state of the constituency in Ireland, did they introduce a Bill which would have the effect of limiting the constituency? In all their proposals with respect to Irish registration there was an evident tendency to limit the constituency, instead of providing any means of extending it, a tendency rather to deprive people of the right to the elective franchise than to give facilities for obtaining it. If they intended to act fairly and justly towards Ireland, they ought to take the earliest opportunity of bringing forward a proper measure on this important subject—a measure which would place the registration in Ireland on a fair and just ground. They had recently agreed to a Bill which would place two seats in Parliament at their disposal—he meant the Sudbury Disfranchisement Bill, and he was sorry that before that Bill passed it had not been announced that those two seats in Parliament would be transferred to Ireland, as he trusted they would. It would be a most wise and fair disposal of those two seats in Parliament to transfer them to Ireland, and he trusted that such an addition to the representation of Ireland would be soon made. The county of Cork ought to have an additional representative, for at present so large and populous a county was inadequately represented, and there was no other portion of the empire which had so strong a claim for an additional representative; indeed, the claim of Ireland for additional representatives was so strong that he had no doubt the two Members would be transferred to that country. He should now direct the attention of their Lordships to that most important subject, the administration of justice in Ireland. It was impossible to deny that of late years, until the present Government came into office, the tribunals of justice were gradually growing into favour with the people and obtaining their confidence. He did not mean to say that the present Government were not inclined to do justice to Ireland, but it was not enough to desire that justice should be done to Ireland, it was necessary that such a course should be adopted as would give the people confidence in the administration of justice, and make it, more or less, popular in the country. But had they done so? What had been their conduct with regard to magistrates? They had summarily determined to dismiss a number of magistrates from the commission of the peace for attending Repeal meetings, without giving them any sufficient warning, and the result of that was to remove a great number of popular Magistrates from the Bench, and produce a bad result upon the minds of the people. That course was adopted in some cases on very slight grounds, and in one case in particular, in the county of Clare, the dismissal of Mr. O'Brien from the Magistracy was a striking instance of the grounds on which they thought fit to dismiss Magistrates. He held in his hand a correspondence between Mr. Sugden, the Secretary to the Irish Lord Chancellor, and Mr. O'Brien. Mr. Sugden wrote to Mr. O'Brien to know if it were true that he had attended a Repeal meeting at Castle Lyons; and to that letter Mr. O'Brien answered that he had attended a meeting at Castle Lyons, which had been held for the purpose of passing a vote of sympathy with Mr. O'Connell, and he added, that a collection took place after the meeting, to which he subscribed 1*l*., but it was not to any Repeal fund. He added that he was not a Repealer, but if he were he would not be deterred from stating his opinions by any such course as that which had been adopted towards him: and he stated that for twenty years he had been a Magistrate, and no fault had ever been found with his conduct. The result of that correspondence was, that the Lord Chancellor superseded Mr. O'Brien. Now what course had been adopted in England? On the very week on which Mr. O'Brien had been deprived of the Commission of the Peace, a meeting was held in Covent Garden, for the purpose of expressing sympathy with Mr. O'Connell. It was a meeting for exactly the same purpose as that which Mr. O'Brien attended; and at that meeting there were three or four Members of Parliament present, and Gentlemen took part in bringing forward resolutions who were Justices of the Peace. Now, nothing more had been done by the Magistrates who had been dismissed in Ireland from the Commission of the Peace, than had been done by the Gentlemen who attended the meeting in Covent Garden, but no Magistrate had been deprived of the Commission of the Peace for attending the meeting in Covent Garden. Mr. O'Brien said, that he looked upon the chair of a public meeting like that at which he attended as a fit position for a Magistrate, the meeting having been held by the people, under the shield of the British Constitution, to pray for a redress of wrongs. Yet the Government thought it right that Mr. O'Brien should be dismissed from the Commission of the Peace, and Mr. O'Driscoll restored to it. Mr. O'Driscoll, who had been twice dismissed, was restored, although the Government admitted that his conduct was reprehensible, and did not defend his restoration by saying that it was abstractedly right, but that it had been done in consequence of a memorial which had been sent to the Lord Chancellor. Thus they restored an unpopular Magistrate, whose conduct they did not attempt to defend, and dismissed a popular Magistrate, because he attended a meeting which was held for the purpose of expressing sympathy with Mr. O'Connell. Such a course was an unfortunate course for the Government to take, if they wished to give the people confidence in the administration of justice. Then, with, regard to stipendiary Magistrates, they passed over Catholic Gentlemen and appointed a Protestant Gentleman, Mr. O'Brien, because he was a converted Repealer. Having directed their Lordships' attention to the course which had been adopted by the Government during this Session, he should now direct their attention to the physical condition of the Irish people. The physical condition of the people of that country was a subject which required deliberate and attentive consideration, with a view to ameliorating it, and their Lordships should recollect that it had a great effect on the political condition of the country, because men were more inclined to lend themselves to the views of agitators when they were suffering from want and local oppression, whilst allowing a state of suffering to continue gave an argument to those who were desirous to urge the apathy of the Imperial Parliament to the condition of Ireland. The Landlord and Tenant Commission was mentioned in the Queen's Speech, as intended to inquire into the occupation of land; but he (the Marquess of Clanricarde) would tell them that they might alter the occupation of the land as much as they pleased, but unless they took some steps to ameliorate the condition of the people it would be all vain. In order to ameliorate the condition of the people, they ought to make some attempt to develope the natural resources of the country, for that was the true way of removing many of the evils that now exist; but no step of that kind had been taken. He should now shortly allude to another important subject as regarded the condition of Ireland, namely, the Poor Law. Their Lordships were aware that the Poor Law had been laid hold of in Ireland for the purpose of exciting local discontent, and they ought, therefore, to show an indication that they took an interest in the condition of the poor, by giving attention to that subject. He was sorry to say that things appeared to be in the same position now as they had been three years ago, with respect to the physical condition of the people of Ireland, but they were in a very different position as regarded the social condition of the Irish people from that which they occupied three years ago. The Repeal agitation had proceeded to a great length: and although he knew that the Government took credit to themselves for not adopting a Coercion Bill, he would remind them that they had acted rightly, for a Coercion Bill, would not remove any of the grounds of the Repeal agitation. If the Government wanted to get rid of the feeling in Ireland in favour of a Repeal of the Union—a feeling which he was sorry to say was strongly entertained, and which was spreading amongst those who were far above the lower classes—they should be prepared, during the next Session of Parliament, to bring forward large, and sound, and well-considered measures for the improvement of the country.

Lord *Wharncliffe* could assure the noble Marquess and the House that the only desire of the Government was to administer the Government of Ireland fairly and impartially, and that all these measures evinced that this was the only object they had in view. He was not about to follow the noble Marquess through the long historical details with which he had commenced his speech; but should confine himself to an explanation of the conduct of the Government on the different questions which had been alluded to. The noble Marquess complained that the present Government had done nothing for Ireland; that their professions had been great, but their acts insufficient. It was he (Lord Wharncliffe) who, in a speech at the beginning of the Session, had said that the Government were not only anxious to do their duty as regarded Ireland, to keep the peace, and to punish those who so long had kept that country in a state of discomfort and danger, and who had proceeded nearly to the extent of treason; but that when they should have done that, they would be anxious to do all they could for Ireland, and to show that they felt it to be their duty to consider Ireland in every respect as an integral part of the empire, and to legislate accordingly. He then announced that the Government were prepared to enable the Roman Catholics to secure endowments to their priests and Ecclesiastics, and in this respect that they should be placed on a footing in which they should not be subjected to the inconvenience and uncertainty that they had previously experienced. The Government had redeemed that pledge, and it was universally admitted that they had done so in a proper and conciliatory spirit, a spirit in which they were desirous to act. They had also held out that they would take the subject of National Education in Ireland into consideration. The noble Marquess said, that the head of the Government had given an evasive answer with respect to the subject of Education in Ireland to the Church Education Society in Ireland, when they applied for a grant and that a vote had since been obtained for the National Society. But what was the fact? When the question was put, the head of the Government gave the only answer which he could give until he had an opportunity of fully and maturely considering the question, and he then said that he could not propose any such grant as they wished for. They had redeemed their pledge on the subject of Education, for they had increased the vote for the National Society of Education in Ireland this year. With respect to the grant to the National Society, the Government had done more than held out a hope, for he had expressed a determination to take into consideration the best mode by which the education of the superior classes of the people could be carried on. He was sure their Lordships would admit that in a question of such great importance it was highly necessary to see that steps were not taken in a wrong direction, while at the same time it was necessary to guard against disgusting or displeasing other parties in the country. Even with respect to Maynooth his right hon. Friend had declared that he was not disposed to leave that establishment in its present unsatisfactory condition. He did not exactly pledge himself to any extent; but at the same time he certainly would not have said what he did if he had not intended some real benefit to follow. The noble Marquess had complained that nothing had been done for the social improvement of Ireland, and he had referred to the Landlord and Tenant Commission. He had found fault with that Commission at first, and he still continued to have little hope. But, surely, before attempting to remedy the evils in the social condition of the country, it was necessary for them to know in some authentic shape what those evils were, what were the circumstances of the tenure of land, what the condition of the tenants, and of the cottiers, as respected the landlords, and whether there were any circumstances in their mutual relations which would enable the Legislature to do anything for their benefit. The Government had taken the subject into their consideration, and, though they had not matured any measures, they had not lost sight of the subject, and he hoped next Session to be able to produce something worthy the consideration of Parliament. The noble Marquess had also found fault with the Government for their conduct with respect to the Registration Bill. He charged it upon them that their object in introducing the Bill had been to curtail the franchise. Nothing could be further from the intentions of the Government; and, on the contrary, if the Bill were looked into fairly, it would be seen that its object was to increase, not to restrict, the constituency. If it could have been shown that a restriction of the constituency would have been the effect of the Bill the Government would have been prepared to take steps to remedy that defect, and to do what would have the effect of increasing the constituency. Although it was not easy to create a large constituency in Ireland, however, he believed that that Bill would have effected it. The noble Marquess next complained that the Government had done most unpopular things with regard to the magistracy. Into the cases of Mr. O'Driscoll and Mr. O'Brien, he (Lord Wharncliffe) would not again enter, as they had been so fully and so recently discussed. With respect to the dismissals from the magistracy generally, he entertained the same opinion that he did at the commencement of the Session. He believed with respect to the greater part of those who had been dismissed from the Commission of the Peace—he did not apply his observation to all—that in the state in which Ireland was at the end of 1843 and the beginning of 1844, it was not safe to leave in the Commission of the Peace gentlemen who attended repeal meetings, which in the course of the discharge of their duty they might be called upon to put down. He believed that the Government would not have done their duty if those gentlemen had been allowed to remain in the Commission. The Government had desired to govern the two countries on equal terms, considering that they had a duty to perform to both. They were bound to defend certain institutions, and to see that the peace was kept, and violence as much as possible prevented; and, remembering that they had those duties to perform, they had endeavoured at the same time to show to the people of Ireland that they had no ill-feeling towards them,—that, although the people of Ireland had been misled by agitators, who kept up that state of misery and degradation in which they had so long been placed,—it was the anxious desire of the Government to take such steps as would raise their condition and make them a happier people, at the same time, that they would not be allowed to break the peace or to commit violence towards others. Those were, and had been, the objects of the Government. Every Government must a times be unpopular, and must be called on to resist demands which they might consider fatal to the interests of the whole country; but, at the same time, he thought that the present Government could look back with satisfaction to the time that had passed since they had been in office. They had not desired to govern Ireland by corruption or violence, or by means of party; but they had endeavoured, if possible, to govern Ireland as every country ought to be governed, by kindness, by an attention to the wants of the people, and by a desire to do impartial justice among the people. The noble Marquess had also complained that the Government had not attended to the physical wants of the people. Nothing could be more difficult in legislation than properly to attend to the physical wants of a people situated as the people of Ireland were: very much must be done by the inhabitants of the country themselves. But the Government had done what they could. They had given every encouragement to the promotion of that great railway, which he hoped and believed would be of the greatest benefit to Ireland. They certainly had not assisted the parties with money, because they thought such matters were much better left to private enterprise. As his noble Friend had not concluded with any Motion, he would not trouble their Lordships further, but would only repeat the Motion, that the Bill be now read a third time.

Lord *Monteagle* did not wish to throw any difficulties in the way of the Government with respect to their measures for the benefit of Ireland; but he must say, that if there was any one question more than another which ought to be in a calm and just spirit, it was the consideration of the affairs of Ireland. He thought that a much more important case had occurred than that at Shinrone. The case occurred at the last assizes. It was that of certain parties who had been engaged as witnesses in a Government prosecution, and their particular duty in this respect being completed, they determined to set up for themselves, and to promote outrages which would afford them employment as informers. They accordingly, amongst other things, planned a train for firing of certain buildings upon the estate of Lord Dunraven. They were, however, detected in these practices, and brought to trial for having instigated the offences and were convicted, and were now suffering the penalty of transportation. This, he thought, would sufficiently explain to Government the necessity for extreme caution in the employment of such instruments. The first question, no doubt, put to those who, having conscientiously resisted Repeal, returned to their seats in Ireland, would be, what has this Session of Parliament produced for the advantage of Ireland? The most satisfactory answer that could be given to that question would be an appeal to the Statute Book, and the Acts agreed upon during that Session; and it would be highly desirable to contrast the beneficial Acts of the Imperial Parliament with the unwise, impolitic, jobbing system of the Irish Parliament. Let it not only be a contrast of the words spoken here, but a contrast of the deeds of the Imperial Parliament with those of the Irish Parliament. Some allowance, he hoped, would be made by the Irish nation for the disadvantage under which they had been placed this Session in that House, in consequence of a judicial question of considerable moment hanging over their heads, which might be said to have deprived all other questions of their relative interest. The object of himself and of his noble Friends on that occasion was not, he assured the Government, to institute a critical review of the acts of the Government during the Session, hanging, as it were a bill of indictment over the Government, which should strengthen their party, or add fuel to the flame of public excitement there, but to lay before the noble Lord and the public suggestions as to the course of policy and legislative acts which they hoped would be brought to maturity in the next Session. The noble Lord, he would with pleasure admit, had fulfilled the pledge which had been given at the commencement of the Session; nor could he possibly be induced to undervalue the measures introduced by Government to conciliate the affections and feelings of the people of that country, particularly that respecting Catholic Charities, which he thought was certainly the most important of that class of measures introduced into Parliament since the union of the two countries. It displayed the sincere desire of the Government to improve the people, and plainly told every parish priest in Ireland, that it was the intention of the Government to legislate, not in hostility to, but in accordance with their interests. With respect to a provision for the Catholic clergy, he thought the objection urged against the interference of the Government in this respect was devoid of foundation. There was, he thought, good reason to believe that such a provision would tend materially to improve the condition of the clergy, without giving to the Government any power to control the actions of the clergy, or making them tools in the hands of the Executive. He was deeply sensible, he confessed, of the value which such a measure must possess, and of their merit in having had the courage and good sense to recognise the existence of the Roman Catholic bishops and archbishops in Ireland; for in these cases words were things, and there was not one parish priest throughout all Ireland that would not, by that recognition, feel that a stigma, hitherto attached to them, whether right or wrong it was unnecessary to inquire, was now completely removed; and he did not doubt that the power and control of the bishops over the Roman Catholic clergy would be more beneficially exercised than heretofore. Believing the measure to be an excellent one, he could have wished the Government had taken its decision earlier. Events in Ireland had somehow severed the Protestant clergy from the National System of Education in that country; and now the Protestant portion of the community turned round upon the Government, and rather unwisely complained that that system was almost wholly confined to the Catholics. Had the decision and determination of the Government been earlier made known, it might well be considered it would have produced a beneficial effect in this respect. He could also have wished that the Government had sooner managed to have introduced a plan for the employment of the poor, together with the plan for their education. He believed if they could once get the labouring classes in Ireland to thoroughly appreciate the inestimable advantages they might derive from applying their labour zealously upon their own little holdings, instead of relying upon the contingent receipt of 6*d.* a day from the farmers, a great improvement in their condition would speedily be effected. He would remark, for the purpose of warning the Government against falling into the same predicament, that a measure had originated in the other House relative to the franchise in Ireland, respecting which an opinion had gone abroad. He regretted to say that, whether it was the right or the wrong impression, the people of Ireland looked upon it as an attempt to diminish the franchise, or take it away from a large class of existing voters, the consequence of which had been most mischievous, making converts to the Repeal movement in thousands. He believed the effect of the Bill would be, to increase the number of persons who were to enjoy the benefit of the franchise. He did not refer in this instance to the mere occupation Clause, or tenancy at will. The great danger in those cases was, that as long as the franchise was made dependent on the landlords in Ireland, they would have the power, at any time, to determine the right to the franchise, by determining the tenancy. It behoved every Irishman, in his opinion, to oppose the new Clause introduced into that measure. They had proposed a 5*l.* franchise, without the possession of the land itself, which he thought would never answer any good purpose, and which he also apprehended must have the effect of defeating the franchise. [Lord *Redesdale*: But that is the title to the franchise according to the Law of England.] If the noble Lord would give to Ireland the entire of the law of England respecting the franchise, he, and he believed, Irishmen generally, would be content. [Lord *Redesdale*: Such is the principle of the county franchise.] He wished to be understood, when he said he should be content with the English franchise, that he meant the whole of the franchise in this country. There was another subject he would address himself to, which he thought was one of more importance than all the rest put together—it was that of the endowment of the College of Maynooth. If there could be one announcement by the Government more dangerous than another, it must be that of its intentions with respect to Maynooth, and the education of the Catholic clergy, unless Her Majesty's Ministers were prepared to deal with it largely and generously; offering to that great body a boon worthy of themselves as a Government to propose, and of the Roman Catholics to receive. He was aware of the difficulties to which the Government might expose itself by touching on the subject of Maynooth. Noble Lords, however, might depend upon it, that if they raised the vote for Maynooth from 8,000*l.* to 10,000*l.*, it would excite just as great an outcry as if they at once came down with a proposition for a measure which would be alike worthy of the British Legislature to offer, and of the people of Ireland to receive. The objection was not so much to the amount of money to be voted, but to the principle involved; and although some parties might conceive the principle to be violated by the present paltry vote, there were others who said that this vote was part of the compact entered into at the time of the Union, and, therefore, the vote must be continued; but if you went beyond it, and gave one shilling more, you would be letting in idolatry, and break down the lines of the Establishment. The outlay would be just the same whether the increased grant was great or small. He conceived the great point for the Government now to adopt was not to limit themselves at present; but if they could not make up their minds to adopt a large and liberal measure, they had better do nothing. Look at the question as deeply involving the interest of a most important portion of the Empire—view it as a government should regard such an important question—namely, the education of the Roman Catholic clergy. Only estimate how great was the object of raising the education of the spiritual instructors of seven millions of the people, and thus make them better fitted for the important station they had to fill as guides for the people, and fitter companions and associates for the country gentlemen in Ireland. He thought that this was a very serious subject; and he hoped that it would meet with full consideration during the recess. He could have wished to have said something respecting the Landlord and Tenant Commission. He did not differ very much from his noble Friend on this subject; but he felt that he could not touch on the subject without diminishing some of those rays of hope which the noble Lord wished to spread. The noble Lord said that he could not recommend any alteration of the Law of Landlord and Tenant at present, as he in the first place wished to have the result of the inquiry before the Commission, and wished to know what was the present state of the tenure in Ireland, and what were the pressing evils which grew out of it. Now he (Lord Monteagle) contended that the Commission could not give more information than the House had already in its possession. Was not the library full of information on this subject? and they could not get more by any number of Commissions. He had to apologise for having said so much; but he trusted that he had not given utterance to any expression which was likely to excite an angry feeling, or that anything had fallen from him condemnatory of the intentions of the Government.

The Earl of *Wicklow* said, that his noble Friend who began the debate had expressed great alarm at the Repeal agitation in Ireland. Now he (the Earl of Wicklow) did not wish to underrate it, for he must admit that it was one of a very serious nature when they found that the leaders in this association possessed such great influence over the people, and were joined and aided by the Roman Catholic hierarchy and priesthood in this agitation, and it was impossible not to say that the question was one of importance; but still he felt bound to declare that he did not view it with the same alarm as his noble Friend. His noble Friend in allusion to a quotation which he made, referred to two countries, as an example of what was going on in Ireland—namely, to America and to Belgium. His noble Friend had referred to those two states as an historical argument illustrative of the subject. It appeared to him that these cases were totally unconnected with the present subject, and that they could not be referred to as examples. In these two cases the whole of the people, from the highest to the lowest, all the persons of property in those countries, as well as the poor, were engaged in the attempt to establish the independence of their country; but this was not the case with respect to Ireland, and he did not think that it ever would be the case there. Many circumstances existed which rendered it hardly possible that this should be so. There was one thing which gave him great confidence against the success of this agitation. It was that the middle classes and industrious classes of that country, in reference to the feelings of the Government towards Ireland, must be aware that there was a most anxious desire on the part of every Government in this country, whether Whig or Conservative, to do all in their power to advance measures for the amelioration of the moral and physical condition of the people of

Ireland. His noble Friend who spoke last had said that the best thing that could be done to meet this agitation of Repeal was to pursue such a course as to enable him and other noble Lords, on their return to Ireland, to refer to the Statute Book for a proof of the soundness and excellence of the legislative measures which had been adopted with regard to Ireland. His noble Friend should, however, have recollected that the leaders of the Repeal Association were constantly impressing it on the minds of the people that there was no possible measure which the Imperial Legislature could pass could confer the slightest benefit on the Irish people. No measure, however beneficial it might be, could be brought forward in either House which the leaders of that agitation did not denounce as an insult to Ireland. He therefore thought that his noble Friend could hardly expect from any Government measures which would give satisfaction to the Repeal Association. That, however, was no reason why the Legislature should not pass measures into laws which they deemed beneficial to the country. The noble Marquess said, that Her Majesty's Ministers should show their attachment to the Education System in Ireland, by refusing to select any clergyman for Church preferment who was not favourable to the system. This he considered would be a most unfair course, for a clergyman might in other respects possess the highest qualities to fit him to fill a high situation in the Church, and yet he was to be passed over because he did not agree with the Government on the subject of National Education. It would also be most injurious as it would be supposed that it was an inducement held out to the clergy to change their opinions on the subject, and it would be inferred that if they did so, they might look forward for promotion. He therefore thought that the Government had acted more wisely, more honourably, and more consistently by adopting the course they had followed, and at the same time while they thus acted in a way best adapted to promote the interests of the Church, they did lessen the number of the supporters of the system. For his own part he believed that the system was good, and that the feeling against it on the part of the clergy was diminishing; and when it was farther extended, he had no doubt that they would reap the advantages that had arisen from the adoption of the system and thus without the adoption of any such course as his noble Friend suggested, they would get an additional number of supporters of the system among the clergy of the Established Church. He could not, also, agree with his noble Friend in condemning the appointments which had been made in the Courts of Justice, as he considered them to be unexceptionable. As for the Magistracy, he would not follow his noble Friend into the long statement which he had made on the subject. All that he would say was that it was impossible, after the Lord Chancellor of Ireland had adopted the course which he did in writing to those Magistrates who had taken part in the Repeal agitation, and after the answers which he had received to these communications from those gentlemen which he did, that he could escape from the result of carrying into effect their expulsion. The subject of the Registration Bill had been much adverted to. He admitted that a great deal of angry feeling had been excited by the discussions growing out of the various Registration Bills which had been introduced by different parties: He was astonished at the clamour which was excited on both sides by the Registration Bill of this year, which in his mind, was a proof of its excellence. It was, however, most violently abused by both parties—one side saying that it would open the franchise too much, while the other alleged that it would not only restrict it within a very narrow compass, but that it should be regarded as a sweeping measure of disfranchisement. He believed that very erroneous opinions had been adopted on this measure, for he was satisfied, from the Statistical Returns which he had consulted, that if the Bill had passed there would have been a great increase to the elective franchise. He did not, however, approve of all the Clauses of the Bill, though, taking it altogether, it was a great improvement on the existing law. He most strongly objected to that Clause in the Bill which rendered it necessary to take an oath in a Court of Justice in the claim for the franchise. He hoped that such a Clause would not be in the Bill which must be brought forward on the subject in the early part of next Session. He had not approved of all that Her Majesty's Government had done, and, above all, he condemned a measure which passed a few days ago, as unwise, unjust, and impolitic—he alluded to the Party Processions Bill; but, in saying this, he must add that he believed that there never was a Government more anxious to do more for the benefit of Ireland than the present Government; but, as for giving measures that would satisfy those engaged in agitation, he knew that it was a matter of the greatest difficulty. There had been several valuable improvements made in the law during the present year, and he had heard also, with great pleasure, some of the statements made by his noble Friend, holding out the prospect of future measures of improvement. He hoped, among other things, that the Government would have the courage to bring forward some measure for the purpose of making provision for the Roman Catholic Clergy in Ireland. He trusted also that in the course of a very few years there would be very little difference, or rather an equality as far as could be, of the laws between Ireland and England. He believed that, if they went on on the same plan as they did at present, in the course of a few years there would be but few points of difference between the two countries.

Lord *Campbell* regretted the crippled state in which this important subject of debate had been brought under discussion. The matter in debate was supposed to be the state of Ireland, but how could they do this without taking into consideration the manner in which the State Trials had been commenced, proceeded with, and concluded? He was glad, however, that his noble Friend near him had not introduced that subject on the present occasion, and he was also glad that the noble Lord opposite did not say anything to provoke discussion on the subject. But when they proceeded to talk of Ireland, without allowing the name of O'Connell to be mentioned, it was like enacting the play of Hamlet, the part of Hamlet being left out by particular desire. He had no wish to make illusions to any topics calculated at that time to excite discussion, but he felt that it was absolutely necessary to look to the State Trials as connected with the policy of the Government with respect to Ireland. The noble President of the Council must excuse him, however, in making one remark, in reply to an observation of the noble Lord. The noble Lord, in allusion to the course which had been pursued by the Government to put down agitation, said, that his Colleagues and himself did not call upon Parliament to suspend the Constitution. The noble Lord said that this was a very weighty observation, but how was it possible to consider its weight without looking to the circumstances which had taken place. Now, he (Lord Campbell) would say, that although it was most culpable to suspend the Constitution, he would rather see the Constitution suspended than the Law perverted. When a suspended Constitution was restored, it appeared in its full vigour; but when Law was perverted, it shook all confidence in the administration of justice. He should however cautiously abstain from saying anything in reference to the State Trials [*" Loud cries of* " Hear, hear," *from the Ministerial Benches*]; and notwithstanding that cheer, he should not depart from his intentions. When the noble President of the Council boasted that Her Majesty's Ministers had not asked for extraordinary powers, he could only say that the Government of the country had acted according to the usages of our ancestors, and he conceived that it was a matter of importance, not by silence to appear to approve of the argument which might be raised in the noble Lord's boast. He could not refrain from expressing his very great alarm at the apathy which he observed to prevail on the subject of Ireland. The noble Lord perhaps was entitled to boast that the rigour of the Government had preserved tranquillity in Ireland. It happened that people seemed contented while a state of tranquillity existed. He admitted, that this tranquillity did exist, but could they rest satisfied on the continuance of that tranquillity? But was the House and the Government satisfied with the present aspect of affairs? Was there not great and almost universal discontent prevailing in that country? Was not the repeal rent constantly increasing, and was there any reason to suppose that the feeling in favour of it had in any degree subsided? He agreed with the noble Lord who spoke last, that no great apprehension need be entertained as to the success of the cry for Repeal. It did not meet with much sympathy in this country, for all classes were united as one man against it; and he hoped that they ever would be, to maintain the Union as being essential to the well-being not only of England but of Ireland, He believed that the success of the Repeal agitation would be a most unhappy event for both countries, and would be productive of much greater evil to Ireland than to England. He believed that when the eyes of the people of Ireland were opened, as they would be by being well governed, that they would altogether abandon the cry for Repeal. He recollected that during his connection with that country an election took place at Dublin. He alluded to July, 1841, when two of the candidates for the city of Dublin were Mr. O'Connell and Mr. Hutton. Mr. O'Connell was the great hero of Repeal; but Mr. Hutton openly avowed that he was the enemy of Repeal. The result of the election was, that Mr. Hutton polled very nearly as many votes as Mr. O'Connell. This, in his mind, was a convincing proof that at that time the agitation for Repeal had subsided. But how had it revived? He did not charge the Government with not wishing to promote tranquillity or to benefit Ireland; but what had been the result of the policy which they had pursued? The people felt a sense of grievance, and the cry for Repeal had arisen from it; and when that sense of grievance subsided the cry for Repeal would also subside. The present Government had been three years in office; and they had done nothing in the shape of legislation for Ireland. If the Franchise Bill, to which allusion had been made, was deemed by many Members of the present Government to be so essential when the late Administration was in office, and when it was pressed night after night, to the impediment of other business, why did not Her Majesty's Ministers bring it forward before 1844? The noble Lord had promised that there should be an increased grant to Maynooth, and that the system of National Education should be advanced; beyond this, all was a vague expression of a promise of future good; but there was nothing practicable, and there was nothing to show that the Irish Catholics were to be treated as fellow-countrymen. He did not say that they must disestablish the existing Church, but he said that they must form an equal Establishment for the Catholic Church, and until they placed the Catholics on the same footing with the Protestants in Ireland, there could be no peace or tranquillity in that country.

Lord *Wharncliffe* observed, that the noble and learned Lord said, that he would make no allusion to the State Trials, but in reference to a remark of his, he, in a sort of sneering tone, made some observations about a perversion of law in connection with them. How the noble and learned Lord could call that an abstinence from all allusion to them he could not tell. The time would come, and he trusted it was not far distant, when the whole subject would come before Parliament; he was quite ready to meet the noble and learned Lord on the subject, but he must repudiate any such insinuations as had been thrown out by the noble and learned Lord.

Bill read a third time and passed.

House adjourned.

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HOUSE OF COMMONS,

Friday, August 2, 1844.

MINUTES.] NEW WRIT.—For Dudley, *v.* Thomas Hawkes, Esq., acc. Chiltern Hundreds.

BILLS. *Public.* — 1°. Feudal Investiture (Scotland); Heritable Securities (Scotland).

2°. Private Partnerships.

Reported.— Marriages (Ireland); Insolvent Debtors; Charitable Donations and Bequests (Ireland); Debtors and Creditors; Arms (Ireland).

3°. and passed:—Art Unions.

Private.—2°. Duke of Hamilton and Brandon's Estate.

Reported.—Morton's Estate.

3°. and passed: — Bishop of Down, Connor, and Dromore's Estate; Gervis's Estate; Lord Lovat's Estate; Gape's Divorce.

PETITIONS PRESENTED. By Mr. Brotherton, from Congregational Union of Ireland, for Legalizing Presbyterian Marriages.—By Mr. Acland, from Rev. C. Miller, for Dissolution of Tithe Commission. — By several hon. Members (9 Petitions), against Insolvent Debtors Bill.—By Mr. Aglionby, from Shipowners of London, for Inquiry (Merchant Seamen's Fund).—By Mr. Wakley, from J. Gaylor, for Alteration of Law (Omnibuses).—By Mr. Hume, from G. P. Andrewes, for Revision of Rules of Queen's Prison.—By Mr. E. Tennent, from W. Bridges, respecting Railways.

INSOLVENT DEBTORS.] On the Motion for the House to go into Committee on the Insolvent Debtors Bill,

The *Solicitor General* proceeded to explain its principal provisions. The provisions branched into three different heads, each of which required a separate and distinct consideration. The first part of the Bill related to the amendment of the law of *cessio bonorum*; the second, and, undoubtedly, the most important part, proposed to abolish Imprisonment for Debt in executions under 20*l.*; and the remaining part of the Bill introduced some Amendments into the machinery of the Court of Bankruptcy. It was his conscientious conviction that the measure would be found extremely beneficial. It had been stated, as an objection to the measure, that it would injure the humbler classes of society by diminishing the facility of credit, but he was rather inclined to doubt whether that was a good objection. For although it might in some cases, be of advantage to people in humble circumstances to get credit, it was more generally attended by consequences quite the reverse of advantageous. The hon. and learned Gentleman then proceeded to read several passages from the evidence taken before a Committee of the House on the subject, tending to show that the abolition of Imprisonment for Debt would not have the effect of abolishing *bonâ fide* credit, but only of making tradesmen more careful. Mr. Dampier, who presided over the Stannaries Court, in Cornwall, and had jurisdiction over one hundred thousand persons in cases of small debts, but who had no power of ordering the imprisonment of debtors, gave it as his opinion that the abolition of Imprisonment for Debt would only have the effect of making tradesmen more careful. Any possible injury which might arise from this Bill, was not to be weighed in the balance against the evils inflicted by the present system. Had the House read the evidence on this subject?—They read of six or seven persons confined in a dungeon, with nothing but straw to lie upon. When this Bill was objected to on the ground of mercy to the debtor, he asked them to consider the evils attending the systen of imprisonment. What benefit was it to the creditor to be able to incarcerate the body of his miserable debtor? Was the debtor any more likely to pay what he owed? Certainly not; for the class of persons affected by the Bill had not the means of doing so. In the arguments against this Bill he had not been able to discover any which were entitled to consideration, except that to which he had adverted; and after what he had stated, he trusted the measure would be allowed to go into Committee.

Mr. *M. Philips* was unwilling to stand up there as an advocate for imprisonment of poor persons for small sums; but, as the representative of a large trading community, he must express his wish that time should be afforded for maturely considering a measure which was calculated to have so great an effect on the trading portion of the community. He did hope, therefore, that the Bill would be delayed until hon. Members for large trading and manufacturing districts had time to communicate with their constituents on the subject.

Mr. *S. Wortley*, while he concurred in much of what had been urged by his hon. and learned Friend the Solicitor General, agreed with the hon. Member for Manchester that sufficient time had not been given for the due consideration of this important Bill. He had a petition from Sheffield, which stated that tradesmen in that town were against the measure. He was not wholly opposed to the Bill, but he was averse from proceeding with it in the absence of all the Members of the legal profession; and he thought more time should be given for considering so important a measure.

Mr. *Aglionby* regretted that a measure like the present should have been deferred to the last week of the Session. He had no wish to continue a severely coercive mode of recovering small debts, but he concurred with his hon. Friends near him in thinking that time had not been given for considering this Bill. There were many wise and humane provisions in it, and he did not feel justified in opposing its progress, though he would endeavour to correct some very objectionable parts of it in the Committee.

Mr. *Spooner* said, that the hon. and learned Gentleman, the Solicitor General, had made a powerful appeal to the feelings of the House on this subject; but hon. Members must bear in mind that they were bound to legislate upon facts, and not from mere feeling. He knew nothing of law, but he did know, and had much practical experience in trade, and in the system of credit in extensive trading communities; and he had no doubt that such a measure as the present would be injurious to credit in those districts. But if this Bill were good in principle, why not apply it to debts generally. Why deprive the poor creditor of his remedy for recovering a small debt, and continue it to the creditor to whom a large sum was due? He could not acquiesce in the distinction which the Bill sought to establish in both these respects.

Sir *J. Graham* said, that the argument of the absence of so many hon. Members of the legal profession was not well founded. He had great respect for Gentlemen of the long robe, and was always glad of their presence in the discussions of the House; but he could not take their absence as an argument for delaying any important measure before the House. Let hon. Members consider how far hon. Members of the legal profession took a part in the general business of the House. The House generally met in the first or second week of February, and at about the end of that month the Spring Circuits commenced, and the Gentlemen of the long robe generally left the House to attend them. Now, it was well known that the great struggles—he might almost say, the great annual party struggles for power and predominance, took place in Parliament between Easter and Whitsuntide. Until these struggles were decided and brought to a close, the proper business of legislation could not be said to commence. It was not till then that the regular business of Parliament begun in right earnest. During these struggles they had the advantage of the presence of the lawyers, but it should be borne in mind that, soon after Whitsuntide, the Summer Circuits commenced, and the legal Members again betook themselves to their forensic duties, so that about four months of the Session were spent in their absence; and if no important legal measure were to be brought in unless the Gentlemen of the long robe were present the business of legislation might as well be given up. He therefore, much as he respected lawyers, could not relinquish the exercise of common sense for the sake of Common Law. Then it was said that this measure was brought in at too advanced period of the Session. The reason of that was this:—A Bill was laid on the Table of the other House, embodying the general principle of the present Bill. That, with two other measures of a similar nature, were referred to a Select Committee, consisting, amongst others, of the most distinguished law Lords of that House, and the Bill now before the House was the result of the recommendations of that Committee. It might be asked how he could account for the apparent change in his opinion which induced him to lay before the House a measure so much at variance in principle with another Bill (the County Courts Bill) which he had brought in in the early part of the Session. He would explain. Soon after the introduction of the County Courts Bill he found that another measure had been introduced by Lord Cottenham, having for its principle the total Abolition of Imprisonment for Debt. Finding that the passing of Lord Cottenham's Bill, if the House should adopt it, would render it necessary to make most important changes in the County Courts Bill, he suspended that Bill until he should ascertain the final decision of Parliament on the other. That would account for the late period at which this Bill was brought in. But there were other reasons which induced him to bring in the Bill even at this late period. He was now in possession of certain facts of which he was not aware at the time he brought in his County Courts Bill; and he would say, that the knowledge of those facts rendered it imperative] on Parliament, as a Christian Legislature, not to separate without enacting some measure which would put an end to such horrible scenes as he was about to detail to the House. He had only directed the inspection of four of the County Courts of Requests' Prisons, but he would read to the House extracts from the Reports of one of the inspectors, as not unfair specimens of the state of those gaols generally; and to show that it was such as to render it impossible for Parliament to rise without the existing evils being suppressed. First, as to the goal before alluded to—of the Court of Requests at Birmingham; in the month of January last a petition had been presented to the House, stating the horrors of that place. In consequence thereof he had sent down Mr. Perry, a man of high honour and integrity, and upon whose accuracy he could rely, to inspect the gaol and report thereon. His Report was made up on the 19th of January, and he (Sir J. Graham) was sure that when he read some of its contents to the House they would agree with him, that Howard himself with all his philanthropy had never made larger discoveries of human misery than he was about to announce to them. It would scarcely be credited that at this enlightened period, and with the enlarged views which prevailed throughout the country, such a system of imprisonment could exist as that at Birmingham.

"The prison (the Report stated), consists of the kitchen, cellars, and attics of a house situate in a court near the High-street. The remainder of the building is occupied by the keeper of the Court of Requests. The kitchen forms the day room of the Insolvent Debtors who are waiting their discharge; and the women are, from want of a day room, compelled to sit in that in which they slept. The day-room for the male prisoners has a scullery adjoining, and is eighteen feet in length by fourteen in breadth, and sixteen feet in height. There are besides two cellars, in one of which the prisoners wash themselves. At the time of my visit there were eighteen prisoners in the gaol, and the number has often been much larger. The number of the visitors who may be received is in reality unlimited, as the keeper told me that he had no power to exclude any one, except in case of a riot; and that thep rohibition of spirits was only nominal, and had not been actually enforced. The keeper further stated, that when riots occurred he had called in the assistance of the police, from the persuasion that his life would be in danger unless he did so. The general dormitory of the debtors is a room in the attics, eleven feet in length by sixteen in breadth. On each of the shorter sides of the room there is a platform raised about a foot from the ground, like the stages in a kennel, and which is littered with loose straw. As my visit was paid early in the morning I saw the debtors in bed, and there were six in the one and six in the other. I was informed that the number had often been much greater, and that very lately there were fifteen on the one side and eight on the other. This disproportion arose from an immemorial privilege which existed in favour of one of the sides called the 'king's side,' the king not being obliged to take up more than seven on his side, although there might be so many on the other side that they were obliged to lie with their heads and feet alternately. The prisoners are very scantily provided with covering, and that is about to be diminished by the necessity of sending a portion of them to be washed. For food they depend on an allowance of bread made to them as paupers, upon application. They had no chapel which they could attend, and no medical aid for them when sick, unless application was made to the parish, in which case the parish surgeon came to their assistance. The prisoners have been allowed to retain swords, staves, and other weapons in their possession, and these were only taken away on the breaking out of disturbances among them. These weapons were used in a kind of mock ceremony, performed when any one was received into the gaol, and which was known by the name of 'chum.' The object of the ceremony was to extract 2*s*. 6*d*. from new comers, and that sum was sometimes raised from parts of his clothing."

In consequence of the Report from which he (Sir J. Graham) had just read, he remonstrated with the Birmingham authorities, and called upon them to put an end to such a system of things. In consequence of that remonstrance, some Amendments were made; but even these left a great deal still to be done, as appeared by the Second Report which had been made by him upon the state of the prison. He would not fatigue the House by reading that Second Report, but if he did so, he was satisfied that the House would be of opinion with him that the state of the gaol was still such that it ought not any longer to be continued. The hon. Member for Anglesea had put to him a question on the same subject with respect to the Court of Requests gaol at Kidderminster, and he had directed Mr. Perry to visit that gaol also in the end of June last. He would read to the House the Report which had been made upon that inspection;—

"At the time (said Mr. Perry) when I visited the gaol, there were six male debtors confined under executions from the Court of Requests. They occupied a single room paved with bricks, the extent of which is twelve feet in length by twelve in breadth, which is destitute of table, bed, seat, or any other species of furniture whatever, and there is no fireplace or any means of lighting a fire. A heap of straw is scattered over the floor of half the room, on which the prisoners sleep, for they have no other bedclothes, and from time to time the worst part of the straw is removed and better substituted for it. The privy occupies a corner of the room, but from the oppressiveness of the stench the prisoners have been allowed to close it with straw. The yard into which the room opens measures thirteen feet in length by twelve feet in breadth, and is so badly drained, that in wet weather the water lies in it to such a degree as to confine the prisoners entirely to their room. This yard is closed in by a high wall, surmounted by an iron lattice. The prisoners are very dirty as they never take off their clothes, and are allowed only two jugsfull of water per day for drinking and washing themselves. Their diet consists of an allowance of the quarter part of a quartern loaf of bread per day, but their friends are permitted to bring them any other articles of food while the officer is there. In case of illness there is no means of getting assistance, for though the prisoners might succeed in making themselves heard by the inhabitants of the neighbourhood, they could not afford any help without the beadle who lives in a remote part of the town. Female prisoners, if confined there, were deprived of all separate accomodation and cannot be visited by their own sex in cases of sickness, except while the officer is there."

When it was recollected that the shortest period of imprisonment awarded by a court of requests was ten days, and that a person might be detained for forty days, which period might, by further executions, be extended indefinitely, he (Sir J. Graham) thought the House would agree with him when he said that it would be difficult to suppose any sufficiently strong term to apply to the system of suffering and privation which had been thus exposed. He would not disgust the House by going any further, although he could read to it a Report upon another gaol near Birmingham, and it would be borne in mind that the present state of the Court of Requests Prisons at Birmingham was, though improved, still disgraceful to that town. In progress of time, such a system of things might be amended, but any Government would be acting in a most unjustifiable manner in allowing Parliament to separate without prescribing a remedy. The question, therefore, arose whether the House would deal with the evils themselves or apply the real cure by going to the law itself which had occasioned them. He believed that it was not for the benefit of the labouring classes that credit should be so loosely extended to them as at present. On the whole, he conceived that the House was bound to provide a remedy for evils such as he had brought before it; but no remedy would be effectual if they did not at once and in a decisive manner abolish a law which he held to be indefensible. He was himself opposed to any reform which could be only effected at the expense of parties who were really innocent of the abuses to be swept away, but if compensation was due to judges or clerks or any one else, it ought to be provided. He had heard the hon. Member for Liskeard lay down a principle that the reluctance to injure innocent parties whom legislation might affect was a serious impediment to salutary reform. He (Sir J. Graham) was not disposed to pursue such legislation, but he could not endure for one moment that it should be said that innocent debtors should be in their persons subjected to such cruelties and that their moral characters should, in consequence, suffer such degradation. He trusted that the House would not, for the sake of any amount of compensation, inflict upon imprisoned debtors three, six, or, perhaps, twelve months longer duration of such miseries.

House in Committee.

On the 1st Clause,

Mr. *Spooner* said, that all he had heard did not satisfy his mind, that he should be called on in so hasty a manner completely to change the Law of Debtor and Creditor and he thought that such an act as would fully correct the evils of the existing system required time for further consideration. It would, in his opinion, have been much better if the right hon. Baronet (Sir J. Graham) had immediately met the evils which he had stated to the House in the month of January by a Local Act, instead of deferring his remedy to the month of August.

Sir *J. Graham* explained, that his attention was first drawn to the subject by riots at Birmingham, but the state of things there was not singular, and the four Reports to which he had adverted were the only cases which he had been able to examine.

Bill went through Committee.

House resumed. Bill reported.

Charitable Bequests (Ireland).] Sir *J. Graham* moved, that the House resolve itself into Committee of the whole House on the Charitable Donations and Bequests (Ireland) Bill.

House in Committee.

Sir *J. Graham* then enumerated certain Clauses which it was his intention to introduce into the Bill, relating to the doctrines and discipline of the Church.

Mr. *Wyse* said, that the alterations would give great satisfaction to the people of Ireland.

Clauses read and agreed to.

House resumed. Bill reported, recommitted, and again reported.

House adjourned at half-past seven o'clock.

HOUSE OF COMMONS,

Saturday, August 3, 1844.

Minutes.] Bills. *Public.—Reported.*—Transfer of Property.

3°· and passed:—Marriages (Ireland); Debtors and Creditors; Arms (Ireland).

Private.—Reported.—Lord Cranstoun's Estate.

3°· and passed:—Hough's Divorce.

Petitions Presented. By Mr. Darby, from East Grinstead, and Hurst Green, against Repeal of Corn Laws.—By Mr. Hume, from Prisoners for Debt (4 Petitions), for Abolition of Imprisonment for Debt.

HOUSE OF LORDS,

Monday, August 5, 1844.

Minutes.] Bills. *Public.* — 1ª· Arms (Ireland); Post Office Offences Amendment.

2ª· Merchant Seamen; Fisheries (Ireland); South Sea Company.

Reported.—Slaughtering Horses; Consolidation Fund (Appriation); Spirits (Ireland); Woods and Forests Accounts; Grand Canal (Ireland); Piccadilly Improvement; Controverted Elections; Clerks to Attorneys; Salmon Fisheries (Scotland); Savings' Banks.

3ª· and passed:—Militia Pay; Duchy of Cornwall Lands; Criminal Justice (Middlesex); Customs (New South Wales); Books and Engravings; Municipal Corporations.

Private. — *Reported.* — Tralee Navigation and Harbour; Paisley General Gas.

Petitions Presented. By Lord Redesdale, from Lichfield, and several other places, for Protection to Agriculture.—From County of Nottingham, for Inquiry into the Renewal of Leases by the Ecclesiastical Commissioners.—From Inhabitants of Sudbury, to be allowed Expenses in employing Counsel against the Sudbury Disfranchisement Bill.—By Bishop of Exeter, from Kensington, and Stone, against the Poor Law Amendment Bill.

The Post Office Laws Consolidation Act Amendment Bill,] The Earl of *Radnor* said, the noble Duke opposite (the Duke of Wellington) would recollect that on Friday last, the Report of the Secret Committee appointed to inquire into the practice of detaining and opening letters at the Post Office was laid on the Table of the House. He much wished to know if it was the intention of Her Majesty's Government to introduce, during this Session, a Parliamentary measure on the subject to which the Report referred. If the noble Duke stated that such an intention existed, he (the Earl of Radnor) would refrain from offering any observation on the subject: but if there were no such intention on the part of the Government, then he should bring forward a Bill which he had prepared on the subject, and which he then held in his hand.

The Duke of *Wellington* said he had seen the Report of the Committee, but he was not aware that any one of Her Majesty's Servants had seen it except himself. It was, therefore, impossible. under these circumstances, to answer the question of the noble Earl as to the intention of Government to bring in any such Bill.

The Earl of *Radnor* said, that after the statement of the noble Duke, he felt it to be his duty to present to their Lordships a Bill for Amending so much of an Act passed in the First Year of Her present Majesty for Consolidating the Laws relative to Offences against the Post Office, as related to the opening, detaining, or delaying of Letters, and he should move, that it be read a first time. He had prepared the Bill before; but he waited until he saw the Report of the Secret Committee, before he brought it in, and he had seen nothing in that Report calculated to induce him to alter it. The Report was in fact one of the most jejune and poor milk-and-water performances he had ever seen. He had very great respect for the noble Lords who formed the Committee; but, nevertheless, he should say that a more meagre performance than that Report he had never read. It appeared from the Report of the Secret Committee, that what he (the Earl of Radnor) suspected had actually taken place—that the letters of foreign refugees in this country had been opened at the suggestion of a foreign Government, and that such a proceeding was not adopted in order to secure the safety of the realm, but with reference to the affairs of other states. The letters were not opened for the security or the safety of this country, and he was sorry that his suspicions had been maintained by the Report. It appeared, from the last paragraph in the Report, that for a long period of time, and under different Administrations, letters addressed to foreign Ministers, had been sent from the Post Office to the Foreign Office; but the Postmaster General had been induced to make inquiry into the matter, and finding that the proceeding was not legal, had altogether discontinued that practice since June. It should be recollected that the practice as authorised by custom, although without legal authority, only extended to cases where danger to the State was to be apprehended or prevented, but not to the objects of a Foreign Power. He should now move that the Bill to amend a portion of the existing Act, which related to the detention, &c., of letters, be read a first time.

The Duke of *Wellington* said, he was not aware, that more than two persons in the House had read the Report, namely, the noble Earl and himself; and he thought the noble Earl might have postponed his observations on that Report, as well as the introduction of his Bill, until the House was more fully aware of its contents. He did not mean to follow the noble Earl through his observations, for he had already stated, on a former occasion, what he conceived was the real ground on which the question turned. With respect to the observation of the noble Earl, as to the contents of the last paragraph in the Report, he could only state that if their Lordships looked through the Journals and Records of Parliament for 120 years, they would see that it was a practice which had been recognised by Parliament, and had been followed up with the concurrence of Parliament.

Lord *Campbell* said he had cursorily read the Report, but he could not say, that from so hasty a view of it, he was prepared to give any opinion on it; he had no doubt, however, that the Secret Committee to whom the subject had been referred had done their duty conscientiously. From the view which he had taken of the Report, he should say that legislation was indispensably necessary upon the subject. The power had been exercised by many Governments, and it could not, therefore, be said to reflect discredit upon one Government in particular. If, therefore, the Government determined on using such a power, they ought to introduce a measure on the subject; but he had no doubt that after deliberation they would abandon such a practice. He was of opinion that more harm than good would arise from it, and in after years posterity would wonder at its having been exercised.

Bill read a first time.

Ecclesiastical Commissioners.] The Marquess of *Clanricarde* presented a petition from certain Leaseholders of Church property in the county of Nottingham, complaining of the course which had been adopted by the Ecclesiastical Commissioners of England and Wales with respect to the description of property which they held. The noble Marquess stated that very great misery had occurred, and was still threatened, from the course which the Commissioners had thought proper to adopt. He would put a case to their Lordships, which was not altogether an imaginary one. What would their Lordships think of a man devoted to agriculture, and who having 500*l.* by him, wished to invest it? Thinking that there could be no safer investment, he wished to buy one of these leases, and having raised 1,000*l.* in addition to his 500*l.* (and he would find no difficulty in raising the sum, for these leases were so beneficial that they were sometimes preferred even to freehold property), he purchased the interest in one for 1,500*l.* Shortly after that purchase the determination of the Ecclesiastical Commissioners with respect to these leases became publicly known; the value thus became altogether altered, and the person who lent him the 1,000*l.* on mortgage foreclosed the mortgage. The interest for which he gave 1,500*l.* was not worth 1,000*l.*, so that the unfortunate man who invested his capital lost all his money, and had no prospect before him but the workhouse. That he could assure their Lordships was not purely an imaginary case. He (the Marquess of Clanricarde) thought they were no friends to the Church of England who advised the Commissioners to increase their funds, without regard to other considerations to which every individual ought to pay attention. He hoped that it would not be necessary for him to take any step with respect to this subject next Session, but he should wish to have an account of the sittings of the Ecclesiastical Commission, with the number who attended each sitting, and how many sittings the same members attended. He could state cases of great hardship in other parts of England as well as Nottinghamshire, from the course which had been adopted by the Ecclesiastical Commissioners—from the exercise of an arbitrary power which had been given them by Parliament. There was another objection to that power, which was, that in addition to being arbitrary, it was not uniform in its operation. The effect of the course which the Ecclesiastical Commissioners adopted was peculiarly injurious in its operation in Nottinghamshire, for wherever a farm was greatly improved, at considerable expense, the tenant was more likely to be turned out, than from a farm upon which comparatively no money was expended or improvements made.

The Bishop of *London* denied the assertion that the Commissioners had used their power unequally, and he thought it would have been better if the noble Marquess had waited until an investigation had taken place before he made those charges. That was not the first occasion on which they had been told that they were not the true friends of the Church who maintained the right of the Church to her ancient possessions—it was not the first time that such a charge had been made against those who attempted to secure to the Church the patrimony which had been left her. He was of opinion that the Ecclesiastical Commissioners would have been guilty of dereliction of duty if they had not used the power which the Parliament had given them to make the most, in an honest and proper sense, of the property with the management of which they had been entrusted. He had never noticed anything on the part of the noble Marquess which was not characterised by candour and honour, and he was confident it was only from misinformation, or want of sufficient information, that he had brought forward these charges with regard to the vested rights, as they had been called, of those lessees; they only continued as long as the leases continued; they were purchased with that understanding, and he could not see any principle of justice or equity which obliged the Church to give more than the proper value. It would be inexpedient to interfere with the Ecclesiastical Commissioners managing Church property for Church purposes, when they did not interfere with the management of private trust property.

The Duke of *Richmond* would remind the right rev. Prelate that a secret tribunal, such as the Commission in question, which was not called upon to report its proceedings to Parliament, must expect to have attacks made upon them. At all events, whether or not they were made in the House, they were made out of doors. He quite objected to the dictum of his right rev. Friend, that the Ecclesiastical Commissioners were bound to make the most of the property entrusted to their care. He knew that if leases were put up to auction to be disposed of to the highest bidder, that although they might get the man who would promise most, they would not get the man who would pay most, and keep the property in the best order. He objected to putting an enormous mass of property under the management of a body who gave no account of their proceedings. He did not say that the Commissioners had done wrong; he did not know what they had done; but he did know that a certain number of persons had complained of the manner in which they had been treated by them. He hoped that the noble Marquess would move for a Select Committee upon the subject next Session, and that the result of such a Committee would be to alter the law, and to enact that the House should have a right to know what these Commissioners did, what were the rules on which they acted, and, generally, what were all their proceedings.

After a few words from Lord Carberry, the Marquess of Clanricarde, and Lord Wharncliffe,

The Bishop of *Exeter* observed, that he understood the noble Marquess to have called upon the Commissioners to cease to act as trustees, and to use a discretion of their own in dealing with the property over which they were placed. Now, as an Ecclesiastical Commissioner, he must say that he conceived it to be his duty to act as a trustee, and only as such, and his duty as a trustee was, he conceived, to make the most of the property placed under his management.

The Earl of *Radnor* was astonished to have heard his noble Friend near him (the Marquess of Clanricarde), and his noble Friend on the cross benches (the Duke of Richmond), contend that the Ecclesiastical Commissioners were not acting rightly in making the most of the property subjected to their charge. As trustees, he conceived that they were bound to do so.

The Earl of *Besborough* hoped that the Ecclesiastical Commissioners would have no objection to make an annual report of their proceedings to Parliament.

Petition read and ordered to lie on the Table.

RAILWAYS BILL.] Lord *Wharncliffe* moved the resumption of the adjourned debate on the Amendment moved after the third reading. His Lordship stated, that having fully considered the effect of the words proposed to be inserted by the right rev. Prelate (the Bishop of London) he should briefly state the course which the Government intended to pursue. An Amendment had been proposed by the right rev. Prelate near him upon the sixth Clause of the Bill, in order to do away with the compulsory enactment of the Clause upon Railway Companies to run third class trains upon Sundays. Now, the feeling of the House no doubt was this, that although it might not be desirable to compel trains to be run on the Lord's Day, yet that it would be most unjust to the humbler classes of the public if measures were to be taken under this Act which would give an undue advantage to the wealthy—which would compel the convenience of Dives to be consulted, whilst Lazarus was refused permission to travel. Now, there were certainly two reasons deserving some weight why the Clause, as it at present stood, should be made the subject of some consideration. In the first place, when this Act was originally submitted to the Proprietors of Railways they were not led to expect that anything would appear in it under which they would be compelled to run third-class carriages on Sundays; and secondly, there could be no doubt but that if these trains were run, Government Inspectors and other persons must be compelled to break into their day of rest, in order to superintend and regulate the traffic. Under these circumstances, the Government had come to this decision, that nothing should appear in the Act to compel Railway Proprietors to run trains on Sundays; but that if they did run such trains, they should be compelled to afford as much accommodation to the poor as they afforded to the wealthy. They had, therefore, prepared a Clause to be introduced by way of rider to the sixth Clause, as amended by the Bishop of London, by which Clause it would be enacted that whenever any Railway should run any train whatever upon the Sabbath

Day, to such train, or to one at least of any trains so run on the day, third-class carriages should be attached. This Amendment would, he hoped, entirely meet the difficulty which had been raised to the Clause.

Lord *Monteagle* thought some further explanation was necessary to induce their Lordships to adopt the Bill as now proposed to be altered, instead of in the shape in which it had come up to them from the other House. The question was, whether the accommodation which, under this proviso, the Railway Companies would provide for the poorer class, would be equal in point of accommodation and cost to that which they were required to provide for the same class on week-days? As the Bill came up from the Commons third-class trains were to be provided to run at the rate of twelve miles an hour, so that the proviso now suggested, if in all other respects equal advantages were given, would be an improvement.

Lord *Wharncliffe* doubted whether it would be competent for their Lordships to make any regulation in the Bill in regard to fares, without infringing the privileges of the other House, by whom a Clause had been inserted to limit the rates of fares. As to the accommodation which the Railway Companies would provide for third-class passengers on Sundays, in other respects he thought they might depend that they would attach third-class carriages on the Sundays of the same description as they were required to provide on the week-days. He objected, however, to making it compulsory on the Companies to provide carriages on Sundays with a certain amount of accommodation, because if that accommodation were nearly approaching that which was given in the second-class carriages, the second-class passengers would go to the third-class carriages; and if, to prevent that, a reduction was made in the second-class fares, and an inferior description of carriage provided, the first-class passengers would resort to the second-class carriages.

Lord *Monteagle* thought he could undertake to show that there was no question of privilege in the matter. The Bill, as it had come up from the Commons, enacted that the Railways should provide a certain description of third-class carriages at a certain fare, and all he wished was, that the same description of carriage should be provided on the Sunday. He, for one, could not rely upon the Companies doing this, unless they were compelled by the Bill, because, as the Sunday was the day on which the greatest number of people travelled, it would be the interest of the Companies to drive them into their second-class trains.

The Earl of *Minto* suggested that it would be necessary to make an alteration in the Amendment proposed by the right rev. Bishop. This was a Bill that applied to the whole Empire, and it made an exception from the other days of the year of Good Friday and Christmas Day. These were days not observed by the Church of Scotland, and it would give great offence to that country if any Bill were to pass introducing such an observance of those days in that country.

The Bishop of *London* would meet the objection by altering the latter words of his Amendment, as follows: "and of England on Christmas Day and Good Friday."

The Earl of *Dalhousie* said, as the Bill would stand with the Amendment proposed, every Railway must run cheap carriages at the same fares as those carriages were required to run on week days, with one at least of any trains they might run on the Sunday. He was not prepared, however, to compel the Companies to run the same description of third-class carriages on the Sundays as on the week-days; as the effect would be to induce persons to defer their journeys till the Sundays, and thus, by decreasing the week-day and increasing the Sunday traffic, act injuriously and unfairly upon the Railway Companies. He, for one, had no doubt that the Railway Companies being compelled to provide a particular description of third class carriage on week-days, would, under the influence of public opinion, employ the same kind of carriage on the Sunday; but, looking at the circumstances under which the Bill had been introduced, he did not think they could, with anything like justice to the Companies, make it compulsory on them to do so.

The Earl of *Wicklow* did not consider that there was any danger of interfering with the Privileges of the House of Commons in this matter. He thought it highly necessary to the practical working of this Clause, that the poor should not be subjected to higher fares or to worse accommodation on Sundays, than upon any other day of the week, and therefore, that their Lordships ought to insist that the third class carriages used on Sundays should have seats, and be roofed in from the weather.

The Marquess of *Clanricarde* wanted to know whether, under this Clause, it would be competent for the Companies to run third class trains for third class passengers only on the Sunday.

Lord *Wharncliffe* said, it would be perfectly open for the Railway Proprietors to run such third class carriages if they pleased.

The Marquess of *Clanricarde*: But would they in that case be compelled to put on third class carriages to some one of the first and second class trains.

Lord *Wharncliffe*: No.

The Earl of *Dalhousie* said, by this Clause the Railway Proprietors were not compelled to run any train on the Sunday; but if they did, they must run once a day at least, third class carriages.

Lord *Monteagle* was not satisfied with the Clause, until words should be introduced which would prevent the poor man from being compelled to travel by the present incommodious third class carriages, which no one had condemned or stigmatised more strongly than the noble Earl himself. He would, therefore, move that words "with such third class carriages as third class passengers shall be conveyed on other days, viz., by carriages covered over and provided with seats," be inserted.

A noble *Lord* objected to the word covered, as not sufficiently explicit. A covered carriage meant merely a carriage with a top to it, but it need not have sides.

The Marquess of *Normanby* was anxious that the poor who would travel by these third class carriages should be secured the same advantages on Sundays, in respect to the stations at which the trains stopped, as they would have on work-days. He should propose to insert words compelling the trains to stop at proper intermediate stations. His opinion was, that they ought to be made to stop at all the stations.

The Earl of *Dalhousie* said, as the Clause now stood, the third class carriages would stop at all the stations at which the other carriages stopped; but he must object to giving more accommodation in this respect to third class passengers than to those who travelled by the first and second class carriages; and in the next place, if they made the trains stop at every station, they would make all the bookkeepers and other officers at those stations sacrifice their Sunday in order to attend the coming and going of the trains; so that if the noble Marquess's proposition were carried, the number of persons who would be compelled to work on the Sunday would be almost as great as that of those he was anxious to accommodate. Unless in the case of State necessity, they should not interfere to compel people to work on the Sunday.

The Marquess of *Normanby* understood from what the noble Lord had said, that he was not now prepared to put the poor persons who travelled on railways on Sundays on the same footing with the wealthier classes who travelled on them. He was not prepared to admit any amendment providing for their accommodation, or any amendment which would tend to prevent the Companies running their trains "right through," without stopping at a single intermediate station at which passengers might choose to alight. Under these circumstances, he proposed that the Clause should be printed, and that the discussion should be adjourned until to-morrow (this day), in order that noble Lords might have time to consider how the Amendments might best be worded.

Lord *Wharncliffe* objected to any further postponement.

Lord *Campbell* moved that the debate be adjourned till to-morrow.

The Bishop of *London* objected to any further adjournment, so far as his Amendment was concerned.

After some further conversation, the Amendment of the Bishop of London (with the alteration suggested by the Earl of Minto) was agreed to without a division. A new Clause, the substance of which had been stated by Lord Wharncliffe, was then brought up.

Lord *Monteagle* proposed as an Amendment to the Clause to insert after the word "carriages" the words "with seats and protected from the weather." He trusted their Lordships would agree to his Amendment, as the third class carriages on many railways were no better than cattle-trucks, leaving the passengers exposed to the weather to the great hazard of their health and lives.

The House then divided on the Amendment:—Contents 30; Not-Contents 35: Majority 5.

Then the Clause was agreed to, and the Bill passed.

STATE OF THE NAVY.] The Earl of *Minto* said, that in rising, in pursuance of the notice which he had given a few nights ago, he wished to assure their Lordships that it was with great reluctance he was induced to bring before the House and the public the state of the Navy at the present moment. If he had been less unfortunate in obtaining the information which he had sought from his noble Friend opposite on a former occasion, or if he had heard anything from any noble Lord on the other side of the House to induce him to think that Her Majesty's Government were about to increase the Naval Force of the country, he should certainly not have thought of troubling their Lordships on the subject at present. He was quite aware of the objections and the inconvenience of dealing with such a subject under the existing circumstances of the country; he was aware of the state of feverish feeling that prevailed on the other side of the water, and he well knew how desirable it was that nothing should occur in this country that would be calculated to increase that excitement, for no man valued more than he did the maintenance of peace, or attached more importance to the continuance of the best understanding with France—he held that to be one of the most important objects the Government of this country could keep in view, and as no man, he would venture to say, had laboured with more assiduity to maintain that good understanding, and few had contributed more to extend it, so their Lordships might be assured that nothing should drop from him—at least intentionally—which could in any way be calculated to give just umbrage or offence to any of the members of the French Government, or to any individual of the French people. But all the good understanding which we would cultivate must, be on terms of perfect equality, and not be based upon anything like submission, or sacrifice of the interest or the honour of this country. In calling the attention of their Lordships to the state of the Navy of this country at the present moment, he wished to say that he, for one, was no advocate for very large naval establishments during the time of peace; but when he stated that, he was sure their Lordships would go with him in thinking that there was a limit even to the most penurious economy, and that there were bounds to the confidence with which we might venture to calculate upon the continuance of peace, or upon the forbearance of foreign countries from hostilities, considering how entirely the safety and the interests of the country depended upon the protection afforded by our Navy, he hardly expected to hear any of their Lordships maintain that there could be any time of such profound peace, or at which the country could be so secure, as to render it advisable to reduce the Navy to the very low state to which it had now been brought. Confidence in the duration of peace had sometimes been disappointed, even when the circumstances of the country were such that there was no reason to anticipate any interruption of our friendly relations. Their Lordshipc would all recollect a celebrated speech of Mr. Pitt in 1792, in which he stated—and his opinion went very far to carry out the measure then in contemplation—that there was a sure prospect of the duration of peace under the then circumstances of the country:—he said it was, of course, impossible to speak with absolute certainty in such cases, but that as far as it was possible for human foresight to anticipate, he thought we might count with perfect confidence upon a long and uninterrupted peace. This was in 1792, not twelve months before the breaking out of the longest and bloodiest war in which this country had ever been engaged. At the end of 1791—in the same feeling of security, and in the belief of the impossibility of any interruption of peace—it was thought proper to reduce the Navy, not, indeed, to the extent to which it had now been reduced, but to dismantle some ships and to reduce the armament that had been prepared in the early part of 1791. These, and many other instances, might be brought forward, at least as arguments for the maintenance of the Navy in such a state as would enable us to rely upon it in the event of any unforeseen interruption of peace—even in circumstances comparatively favourable; but he would ask whether the circumstances of the times now were entirely such as to leave no ground whatever for apprehension and anxiety? He had hitherto been speaking of what would be right at a time of profound and secure peace; but he asked their Lordships to cast their eyes around, and say whether there were not circumstances occurring in various parts of the world to cause a sentiment of anxiety and uneasiness as to the interruption of peace?

He did not wish to allude more particularly to circumstances to which it was impossible to refer without some degree of anxiety, but he merely said that there were questions raised which justified such a feeling. He would remind their Lordships that there were questions now pending between us and the United States of America, on which strong national feelings existed; there was also in France, on the part of a considerable portion of the people, a feeling of no amicable character towards this country, and there were questions pending between us and that country, which might materially affect the interests of both nations. Upon the events which were now taking place on the coast of Africa he did not wish to dwell: but it was impossible to look at them without at least some slight degree of apprehension:—he trusted there was no reason to fear any interruption of the existing peace: his own opinion was that it would not be interrupted; but still he said, that the state of affairs was not such in which they ought to be left, or such as would justify the Government in leaving the country entirely without defence. If anything were wanting to confirm this view, it was to be found in the present state of things in France, independently of the state of feelings of the Government or of the people. He therefore thought that without entering more particularly into details, he had said enough to show that the aspect of affairs in all parts of the world was such as to require at least some degree of preparation on the part of this country. But if he looked with some degree of uneasiness upon the state of affairs abroad, he owned his alarm was greatly increased by the tone that was adopted and the language that was made use of by Her Majesty's Government; because, whenever this subject had been mentioned, he was unable to collect from any quarter that there was the slightest intention of increasing the forces or improving the resources of the country, or placing the Navy in such a state as would enable us to contend with honour in any contest we might be brought into if a contest should unhappily become unavoidable. He was sure there was no one of their Lordships who would not agree with him, that the degree of respect, and esteem, and friendship which we could hope to obtain from other countries, must depend, more or less, upon the strength and preparation which we could exhibit. No man could suppose that a great and powerful state, fully prepared, would be liable to the same accidents or the same treatment to which a weaker country might be subject. This country ought to possess such a fleet, and in such a state of preparation as would avert many of the dangers to which we might be exposed if we were not prepared. He should now state shortly to their Lordships the present amount of our Naval Force, which he certainly thought totally inadequate to the wants of the country, even in a state of profound peace, but still more so under the circumstances to which he had alluded. The whole Navy of England at the present moment, in line-of-battle ships, consisted of nine ships-of-the-line. Of these nine ships-of-the-line, two were on a very distant station — the East Indies; one, was also on a very distant station—the West Indies; one, as he understood, was under orders to sail for another distant station—the Pacific. He had heard a short time ago that there were at home three ships of the line, one at each of the home ports, and that one, also a flag-ship, was the ship of the Rear Admiral commanding at Cork; and the ninth ship was the Mediterranean fleet, for that fleet consisted of one sail of the line. He asked their Lordships whether, under any circumstances, that was a fit state of things? Could they conceive any state of things such as to make it tolerable that the Mediterranean fleet should be reduced to one ship of the line, and the power of reinforcing it also to one ship, unless we called upon the guard ships, and left ourselves destitute of defence for the coasts of the country? He did feel strongly that this was a condition he thought the Navy of England ought never to be reduced to, and that it was a state of insecurity in which this country ought never to have been placed. In consequence of the misunderstanding which had occurred between France and Morocco, and the deep interest which we had on the shores of the latter country, he understood that a reinforcement had been sent to the Mediterranean fleet, consisting of two sail of the line—the one a 90-gun ship, and the other a first-rate; the one being the flag-ship which had been stationed at Cork, and was a disposable ship, and the other the flag-ship from Devonport. These two ships which had been sent out to the Mediterranean, with some inconsiderable frigates, in addition to the one already there, amounted to the great number of three ships-of-the-line. But we were left to supply any further demands that might arise in the Mediterranean or elsewhere, or for service upon our own coast—we were left with only two ships-of-the-line on the shore of England. He did complain of this state of things, and the more particularly as it was totally unnecessary: only the other day the *Queen* arrived from the Mediterranean, not having completed her full time service, with her present officers and men: she arrived when all these events were known, almost at the time of dispatching the reinforcements, and she was paid off without the slightest reason, or at least, what was equivalent, she was substituted for another ship, which was paid off, and made to replace the guard-ship at the Nore: what ground there was for such a proceeding he could not imagine, it seemed to have been done without the slightest reason, and he could look upon it as nothing more than a wanton sacrifice of the security and honour of the country. He did not wish to refer to the force on foot at the time when his noble Friend succeeded to the Admiralty, except because he wished to show that there was a force on foot sufficient to admit of a large reduction, with a view to a proper and just economy, and yet to leave a powerful and sufficient fleet in commission. There were at that time in commission twenty-six sail-of-the-line, of which seventeen were in the Mediterranean. There would, therefore, have been no difficulty in maintaining a sufficient force, and their Lordships would recollect that it was much more easy to keep up a fleet when formed, than to raise one suddenly when it was required. He was unwilling to allude to former discussions in that House when he sat on the Benches opposite, and he should only do so as far as it was necessary to enforce his own argument, that the present force was absolutely insufficient, and had been considered so by the best authorities, and by the most eminent Members of the present Government. It would be in the recollection of their Lordships that great complaints were made of the want of a sufficient Naval Force in 1838 and 1839. On that occasion, his defence was, not that a Naval Force was unnecessary, not that he was indifferent to the amount of Naval Force belonging to other nations; but his answer was, "I will show you that you have a large force—as large a force as you can desire." He accordingly showed that there were then in commission no less than eighteen ships-of-the-line (double the number at present in commission), at a time of profound peace, and when there was not the slightest apprehension of its disturbance. [The Earl of *Haddington*: That was in 1840.] In 1838. It was not his business to defend himself at present, or to show that the Naval Establishment which he maintained was sufficient or not; but he alluded to these matters in order to invoke the authority of noble Lords on the opposite side that the present Naval Force was much too low. When he was told that the number of ships at sea in 1838 was not sufficient, he showed that there were eighteen sail-of-the-line, whereas there were now but nine, and that every description of force was much larger than at present. Another noble Friend of his, whose opinion on those matters was entitled to the greatest weight, either in that or the following year, 1839, complained that, although the existing force might be sufficient for service abroad, still it was not sufficient, as to a reserve of ships, for the defence of the country, or for any emrgency which might arise. He alluded to Lord Melville. But he had at that time six sail-of-the-line in the home ports, and two at Lisbon, which was in the home command, so that he had eight ships-of-the-line disposable for any service. Bearing in mind that these complaints had been made not by persons who would act upon any factious motives, but by such authorities as the one to which he had alluded, and the noble Duke opposite (the Duke of Wellington), who had never given utterance to a factious opinion in that House—recollecting that such authorities had pronounced the force he had mentioned inadequate to the ordinary service of the country, he desired their Lordships to compare that with the force now existing, and to say whether it was not right and reasonable that when, instead of eighteen ships-of-the-line, as in 1838, there were now only nine, he should express his great regret and apprehension at such a deplorable reduction of the Naval Force of the country. He had heard that it had been stated in another place, that although our fleet was extremely weak at present—although there were no ships in commission, yet there were many in a state of readiness, and which could be speedily sent to sea, if any demand should arise for their services. Now, he knew something of these matters, let it not be supposed that he at all countenanced the opinion which prevailed some where, there was any reluctance on the part of seamen of this country to enter into the service of the Royal Navy. It was not so. They would always run with eagerness to that service in preference to any other, and it was natural that they should do so; because there was no other service in which their condition was so good. But you could not make two men out of one. If we wanted a number of men to fit out a fleet, he asked whether it would be possible, even resorting to the assistance of the press-gang, to procure them in sufficient time. If we required 10,000 or 15,000 men fit out a large force, and were able to procure them at a moment's notice, it must follow that they must be walking about the streets out of employment. To increase the Navy to any considerable amount—if we wished to recruit good men and seamen — must be an operation of considerable time, and to effect it they must wait for the arrival of ships from abroad; although, as he admitted, to a certain degree, men would run to the service. It had been said there, he believed, or in another place, that war could not come upon us by surprise—that we should have time to prepare for it. On one side that might be so, one party might have notice and time to prepare; but, he said, of all the nations in the world we ought to be the last to rely upon such preliminary notice, because if we asked Denmark or Spain, they would tell us that war had proceeded unexpectedly from this country, and therefore if any country should unfortunately have a hostile feeling towards us, they might adopt a similar mode of procedure. There was only one point more, connected with this part of the question, to which he wished to allude. It might be said, "Oh, its all very well; you had a great many ships, but they were wretchedly manned, and good for nothing." If he was told in answer to this Motion that the ships detatched for the service of the country at the time to which he had referred were not adequately manned, or did not perform the service creditably, he should have no difficulty in satisfying their Lordships that that charge was unfounded; and convincing them, by higher authorities than any that could be produced on the other side, that they were adequately manned for any service; but unless that was stated in answer to his complaint of the present deplorable state of the navy, he should not, as he was anxious to save their Lordships' time, enter into the particulars of that part of the case. He should now go to the second part of the Motion of which he had given notice. That was only a consequence of the low state of our Navy, and he feared the low tone of the language used by the Government—he alluded to the transactions which had taken place at Tahiti. His noble Friend the Secretary for Foreign Affairs admitted that a gross outrage had been committed on the person of the British Consul, but he had endeavoured to draw a distinction which he wished he had not attempted—his noble Friend endeavoured to draw a distinction between Mr. Pritchard, as Consul, when his flag was flying, and Mr. Pritchard when his flag was hauled down. This might have been mentioned as a kind suggestion to M. Guizot, as a ground for him to take when discussing the matter; but he (Lord Minto) must protest against Mr. Pritchard being viewed in any other light than as British Consul down to the day he left the island. It was true the Sovereign to whom Mr. Pritchard was accredited was deposed, and, therefore, there was nobody to whom his credentials were available; but that Government had been deposed by an usurpation not recognised by the Government of France, and certainly not by us—a mere usurpation by the captain of a French ship, who, acting on his own authority, deposed the Queen and seized the country in the name of France. Under these circumstances Mr. Pritchard must necessarily have ceased to exercise his functions; but as far as he could acquire a character from his pretensions or his employment by the Government of this country, he maintained that the distinction relied upon by his noble Friend was not entitled to the slightest weight, because there was no man in England who must not feel that the deposition of Queen Pomare, although it suspended Mr. Pritchard's functions, did not deprive him of his character of a British functionary, any more than it took away his character of a British subject. He wished now to call their Lordships' attention to some dates connected with these transactions. He would not enter into details, but it appeared that the invasion by the French Admiral, and the establishment of the French protectorate, took place in the month of September, 1842. In March, 1843, Captain Toup Nicolas, in the *Vindictive*, returning from service in China, arrived with Mr. Pritchard on board at Tahiti, and restored Queen Pomare to authority. In the same month March, 1843, his noble Friend was in communication with M. Guizot, acquiescing most courteously in all the arrangements of the French Government, and in the occupation or protection of Tahiti, and receiving from M. Guizot in return, assurances of consideration and courtesy, both for British residents in the island and for the Queen, so far as was consistent with the degree of authority which it was considered necessary to maintain. In consequence of the view taken of the matter at home, orders appeared to have been sent out to the Admiral in the Pacific, desiring him to refrain from further interruption of the proceedings of the French, and to do no more than was necessary for the protection of British interests. Those directions must have been sent out nearly at that time, from the time when they arrived, and from the change of measures that was observable. But when there was time for our Government to order the withdrawal of the *Vindictive,* one of the finest ships in the service, and one fully capable of protecting our interests, there surely was time for the French Government to instruct its officers to confine themselves within those limits usually observed between two nations of peace, and to observe that courtesy which might be mutually expected. In March, 1844, a new act of violence was committed by the French. Now, he could not explain—giving, as he did, full credit to M. Guizot for his intention to avoid everything like discourtesy towards us — why, when we found time to give orders for the disposal of our vessels within six months, he should suffer a whole year to elapse without sending out any instructions sufficient to restrain the outrageous proceedings which had unhappily occurred, and which the French Government found so much difficulty in defending. He asked again, if the knowledge of such attacks having been made, the restoration of Queen Pomare, and her subsequent deposition, was not sufficient to suggest the expediency of sending out some protective force to that quarter or to have retained the *Vindictive* at Tahiti instead of withdrawing her, and not to trust our honour and interest to the chance visit of some small frigate, in which at last the Queen was actually forced to take refuge. He felt confident, that if a force sufficient to ensure respect had been maintained there, the transaction to which he had alluded would never have occurred. As he said before, he was perfectly satisfied that the French Government, and the French King especially, desired to maintain the best understanding with this country: but there was one thing wanting to his sense of security—he was not satisfied as to the durability of the existing French Government, he could not at all events, have such confidence in its durability as to prevent his taking, if he had the power, those precautionary steps which any Government in our position was bound to take. That the present Government of France would be durable he sincerely hoped; but not a week passed that did not furnish some grounds of anxiety on that point. He owned, too, he had not confidence in the resolution of any French Government to persevere in its own views, when it found itself opposed to the clamour of French faction. In making these observations he trusted he was saying nothing offensive to the French Government. He would now allude to the French force in the Mediterranean. They had a fleet on foot of eight sail-of-the-line, and they had four more in a state of forward equipment; so that they might soon have twelve sail of the line at sea; while, instead of the British Navy being in the condition in which it was when the late Government quitted office, the present Government have left our own shores completely defenceless, so that there was nothing to prevent the French from sweeping the Mediterranean — sweeping the Channel, and cutting off all our trade to the West Indies. God forbid he should talk of such a state of things as probable, but he talked of it as possible, at a time when the state of affairs abroad forbade us to live in blind security. Seeing, as he had done, our Navy dwindle from day to day, until it almost disappeared, he felt it his duty to call the attention of their Lordships and the public to its state, in the hope that even now his noble Friend opposite would take some steps for restoring it to that state of efficiency from which it should never have been displaced. Even at this moment he could not look at a newspaper without seeing that the progress was rapid towards reduction. It was only the other day that he saw that the *Vindictive,* one of the most powerful frigates, and as strong as a line-of-battle-ship, just arrived from the Pacific, was ordered to be paid off, instead of being employed, at a time when undoubtedly this country ought to have a powerful force on the coast of Africa. It must be months before a ship could be equipped to replace her. He saw another also announced to be paid off. It did appear to him as if his noble Friend was infatuated on this point, and that the very thought of ships being in service was embarrassing to his mind. He trusted that he should hear something from noble Lords opposite to satisfy the public that the Navy should no longer be left in its present inefficient state. The noble Earl then moved for—

> "A Return of Her Majesty's Ships of War (other than those reserved for Harbour Duty), in Commission, on the 31st of July, 1844: And also, a Return of Her Majesty's Ships of War present at Tahiti, from the 1st of September 1842 to the latest Period to which Advices have been received; specifying the Date of the Arrival there and Departure from thence of each ship."

The Earl of *Haddington* said, that the noble Earl who had just spoken, had at the commencement of his speech taken care to impress on their Lordships the deep sense he entertained of the responsibility of bringing forward questions of a nature like the present at an inconvenient moment. The noble Earl admitted that he was aware of the inconvenience of discussing this matter at the present moment; and yet, with remarkably inconsistency, he proceeded to remark on what he called the deplorably weak state of the naval defence of this country. He (the Earl of Haddington) was also fully aware of the inconvenience at the present time of discussions of a nature like that raised by the noble Earl; and he should therefore feel it to be his duty to abstain from any observations that might add to that inconvenience, and he should therefore only touch on such parts of the noble Earl's speech, as might be necessary for his own defence and that of the Government. The noble Earl said, that he was not friendly to large naval establishments in times of peace; but that the making such reductions as might be necessary was different from a truckless submission. He (the Earl of Haddington), not being conscious of any truckling submission, was anxious to know to what the noble Earl alluded; but the noble Earl did not proceed to particularize or give any proof of his charge, but merely said that nothing could justify the reduction of the Navy to its present amount. He (the Earl of Haddington) had a return of the number of ships in commission for the three years ending on the 1st of July, 1839, 1840, and 1844, and the result was, that, though undoubtedly the number of ships in commission in 1840 was larger by three than the number in 1844, yet the number in commission on the 1st of July, 1844, was larger by three than the number in July, 1839. He was aware that the number of line-of-battle ships in those periods bore no comparison. On the 1st of July, 1844, the number of line-of-battle ships in commission was ten, and the *Malabar* being paid off, there were now only nine; but at the period to which the noble Earl had alluded as being the time when we had a great fleet in the Mediterranean, a state of hostilities was existing; Acre was being bombarded, and there were sixteen or nineteen line-of-battle ships in the Mediterranean for the purpose of carrying on hostilities. But that state of things had passed away, and a state of profound peace had succeeded, therefore, to keep up now anything approaching to the amount of line-of-battle ships which were maintained at the time to which the noble Earl alluded, would have been an extravagance which no Government would have been justified in indulging in. The noble Earl said, that in 1838 there were eighteen line-of-battle ships in commission; but the document which he (the Earl of Haddington) had shown what the number was in 1839, but not in 1838. Of these eighteen, three were guard-ships, which were then manned as fifth-rates; and this reduced the eighteen to fifteen. And how were they manned? Why they formed that undermanned class of line-of-battle ships in which the noble Earl appeared to delight. That the line-of-battle ships in the Mediterranean were greatly undermanned, appeared from the statement of an eminent and gallant naval Officer in the other House. A statement had been made elsewhere, which he regretted, because he did not like the possibility of such an event being hinted at; but, nevertheless, the House of Commons had been informed by Sir C. Napier, that had we then gone to war with France, he did not hesitate to say that France would have beaten us, because of the undermanning of our fleet. That then was the state of the eighteen line-of-battle ships. Whatever might be said of the number now, they were at least well manned. In looking at the Navy Estimates for 1838, he found the number of seamen and marines voted for the service of the years 1837-38, was 22,700, besides a supplementary vote of 465 men, making a total of about 23,000. Now, when out of these his noble Friend had manned his eighteen line-of-battle ships, he could not conceive how he could have manned the remaining ships in the other parts of the world. The number of seamen and marines for the present year was 36,000. This, give him leave to say, was a large peace establishment. The Government had thought it their duty, especially after all the financial difficulties, to have no greater Naval Force afloat than was necessary for the safety of the country, and for the feeding of the foreign stations with the necessary means of defence; and the wants of those stations were, to his certain knowledge, anxiously looked to. The cessation of the Chinese war had enabled the Government to withdraw a number of vessels from China; but many of the ships sent there had not yet come home; and the necessity of sending reliefs to the foreign stations, and the double expense of bringing some ships home and sending others out, had crippled the means of supplying ships of-the-line which we might otherwise have. When the noble Earl spoke of only nine sail-of-the-line being kept up by the present Government, he seemed to wish it to be inferred that that was the maximum; amount of Navy intended to be maintained in this country in time of peace. Such was by no means the case: it was, however, the number justified by the present state of our affairs. He certainly agreed in a great deal that had fallen from the noble Earl on the subject of the line-of-battle ships, and taking a general view of the matter, he thought that there always ought to be a proportionate number of line-of-battle ships disposable; but he protested against the noble Lord holding out the idea that it was the opinion of this Government that the navy should never be more than nine sail-of-the-line in the time of peace. This was a most unfair inference to draw. The noble Earl repeated the complaint he had made the other night, that there was but one line-of-battle ship in the Mediterranean. To this he would repeat the answer he had made that night, that when they were at peace with France (he was speaking now of the time when the Estimates were framed), and when there was a probability of the continuance of that peace; it was by no means necessary in apportioning their own force for the Mediterranean, that they should consider what amount of naval force France thought it necessary to maintain there; and, as respected the French force, it must be borne in mind, that Toulon, one of their principal ports, was in the Mediterranean; and that their possession of Algiers rendered it necessary that they should keep up a sufficient fleet to maintain their possession there; and moreover it was natural to suppose, that the French might occasionally choose to exercise their fleet in the Mediterranean, and we had no right to quarrel with them for doing so. The question was, had the British Government failed to protect British interests? and he was not aware that they had left British interests unprotected. He complained of the noble Earl coming down to that House with an inconvenient speech—inconvenient not to him (the Earl of Haddington), but inconvenient as respected the foreign relations of the country, and without having made out the slightest Parliamentary case. Regarding the noble Earl's Motion, coupled with his speech, as a condemnation of the conduct of the Government, he proposed that their Lordships should meet it with a negative. The noble Earl had next endeavoured to show, but had not succeeded, that the safety of this country was hazarded by not having a larger number of line-of-battle ships afloat. The noble Earl had not succeeded in proving this, or in showing the probability or possibility of a war occurring—say with France, for instance—without "coming events casting their shadows before." Surely the noble Earl could not intend to say, that we should always maintain such a Naval Force afloat as would enable us to carry on a war at once. The two or three additional ships insisted on by the noble Earl, would not enable us to meet such a case. He could tell their Lordships, that if there should arise any probable prospect of such an event, this country was amply supplied with overwhelming means of meeting such a necessity, in a very short space of time. Then, if that were so, the Government were not paltering with the safety of the country. Wo betide them if they ever did! The noble Earl had made out no case; and, considering his Motion as a call upon their Lordships to join in a condemnation of the Government with respect to the state of our Naval Force, he must resist the Motion. He repeated that we were prepared with overwhelming means for meeting any crisis that might arise. We had thirty what were called advanced ships in ordinary, with all their stores and rigging and fixtures ready; and if there were men for those thirty ships, they could be at sea in an incredibly short space of time. Nothing had to be done but to put the stores and rigging in the ships, and to man and commission them, and they could be at once away at sea. He knew well that ships of the line were not to be manned in a day; but in the event of any necessity arising, it was not to be supposed but that there would be sufficient intimation beforehand, to enable the country to man as many ships as should be wanted. In respect to the steam power of the country, our preparations had been very great indeed. The Government had not neglected to avail themselves of that new element of defence and of destruction. They were going on not only building new steamers, but also producing the means by which, when necessity arose, we could build more; great progress had been made in the steam factory at Portsmouth, and money had been voted to do the same thing at Plymouth. These, together with the dockyard at Woolwich, added most materially to the means of the country, as far as this branch of the defensive service was concerned. He repeated, that although he did not deny that the number of our line-of-battle ships was quite as few as it was fit that we should have, yet he trusted he had made out a case to show that their Lordships need not tremble for the safety of the country, if such a crisis as had been anticipated should arise. As the noble Earl had said nothing as to any other ships but line-of-battle ships, he (the Earl of Haddington) would spare their Lordships any observations on any others. But the noble Earl had proceeded to comment upon the events that had occurred at Tahiti. He had said truly, that in September 1842, the French had established what was called a Protectorate in those islands; and the noble Earl's object in bringing at that moment the question of Tahiti—the somewhat delicate question of Tahiti—under discussion, was to show that the Government, and especially the department with which he (the Earl of Haddington) was concerned, were to blame for not having had a sufficient force there to prevent the French from so establishing the Protectorate. [The Earl of *Minto:* I never said that.] Then, what were they to have done? [The Earl of *Minto* made an observation which was inaudible.] But they had not consulted our Consul, when they established the Protectorate. That was a thing which burst on the world by surprise. There had been nothing to call the attention of this country to Tahiti, before the French went there and established the Protectorate, more than to any other part of the Pacific. He must remind their Lordships, that the distances were enormous in that part of the world—that the Pacific Ocean covered nearly one-half of the globe. The *Talbot* frigate went to Tahiti, and stayed there till February, 1843. The *Vindictive* arrived on the 25th of February, with Mr. Pritchard on board. He had come from Van Diemen's Land, and was going on to Valparaiso, but Captain Nicolas, understanding from Mr. Pritchard what had occurred at Tahiti, he very properly took him on board, and took him there. The *Vindictive* was there from February to August. The Admiral relieved the *Vindictive* on the 6th of August; and the *Dublin*, a ship of fifty guns, arrived at Tahiti on the 3rd of September, and remained there till January, 1844. The fact was, speaking generally, that Tahiti had never been without a British force adequate to the protection of British interests. The noble Earl said, that had the *Vindictive* been there, these events would not have happened. But the *Dublin* was there when the French took possession of the sovereignty. Under the eyes of the captain of the *Dublin,* Dupetit Thouars did that which was disavowed by his Sovereign, and for doing which he was recalled. And he begged to remind the noble Earl, that when the servants of a Sovereign did that which was disapproved of by the Sovereign, that Sovereign was the person to visit punishment upon them, and not the servants of another power, whose interference might have embarked the civilised world in a war, the end of which it would be in vain to calculate. He apprehended that nothing could be more proper than the conduct of Captain Tucker, who commanded the *Dublin.* He acted with great prudence. He did not interfere at all, except by protesting against the steps that were taken. He did nothing by which he could run the risk of involving his country in war; and if the noble Earl meant to say, that the captain of the other vessel, had he been there, would have adopted a different course, and by hostilities have prevented the circumstances which occurred—[The Earl of *Minto:* I did not say by hostilities.] How then could he have prevented them? [The Earl of *Minto* said, he would have prevented the outrage on the person of Mr. Pritchard.] He did not wish to enter into the question further than to declare his belief of the impossibility of the captain preventing the outrage. He was, however, travelling out of the record as far as his department was concerned. What he had to maintain was, that we had all along had forces in the Pacific sufficient to watch over British interests, and not to interfere with the proceedings of Foreign Powers, except so far as British interests were involved.

He maintained that this duty had been performed, and that British interests had not suffered, except by this violent outrage, upon which subject, considering all the circumstances, he did not mean to say a word. Upon the same ground that he had objected to the first part of the Returns moved for by the noble Earl, he should object to the rest; and, if he had detained them too long on the subject, he trusted their Lordships would attribute it to his natural wish to defend his department, and the Government generally, from the attack which had been made upon it.

The Duke of *Wellington:* The noble Earl opposite having adverted to some observations of mine some years ago, on the state of the Navy at the time, notwithstanding that I am quite satisfied with the defence which my noble Friend has made of his department, I must trouble your Lordships for a very few moments, in order to show you the difference between the state of things now and at the period when I made those observations. My Lords, at that period this country was engaged in a state of warfare in North America, which required, imperatively required, the assistance of a considerable fleet; also in China, also in India, and even in the Persian Gulf. Though, my Lords, I was not exactly in the service of the Government at that period, I was very much in the habit of communication with a noble Friend of mine, then at the head of the army, now, unfortunately, no more; and when he asked my opinion on any subject, I never failed to communicate it to him freely. I certainly did frequently advise my noble Friend, and consulted with him in respect of the operations of our fleets and armies at that period in all parts of the world; and, my Lords, that of which I complained then was, that being at war—engaged in extensive war—as I have stated, in three quarters of the globe, those wars were carried on with a peace establishment; the consequence of which was that the usual peace services were starved. Now, I am not going to enter into details of the number of men in the different ships, and so on; they are naval details, into which I am not competent to enter, nor will I enter into them. But we all know the number of men voted for the service; that is the criterion of the strength of the Navy—it is, in fact, the provision by the Government and the Parliament for the Naval Service of the year; and, I believe, if we compare the number of men voted in this year of peace, they will be found equal to any number of men voted at any period previous in time of peace, even considering as a period of peace the period of time extending from the year 1837 down to 1839 and 1840, during which this country was engaged in great operations in America, China, India, and the Persian Gulf. Under these circumstances, I think the noble Earl did not do me justice, when he compared the state of things with which I found fault in 1837, 1838, and 1839, with what exists at the present moment. The state of things was quite different; and, as far as I understand the condition of the Navy at the present moment, I believe that ample means exist everywhere of performing the services which ought to be performed by Her Majesty's Navy; that is, giving protection to Her Majesty's subjects in whatever quarter of the world their commerce or other concerns may carry them. I believe the noble Earl does not contend that that protection has not in any case been given. When I say given everywhere, I do not mean to advert to contingencies, so wholly out of all ordinary and reasonable calculation, as that recent transaction in the Pacific, out of the way events, carried on under circumstances protested against by this country, and disavowed by the Government of France. My Lords, those who have been guilty of those eccentricities will be responsible for them to somebody; and I conclude, as a matter of course, that that responsibility will be carried into execution, and that they will be required to account for their conduct. The noble Lord surely could not expect that large fleets were to be kept up in every corner of the world to meet such improbable contingencies as these, or that when they did occur, our officers were to be expected to begin hostilities against a national flag on account of the eccentricities of a particular individual. I will venture to say, and I have no doubt it will be found so when the matter comes to be examined into, that our fleet in the Pacific was, at the period at which these events occurred, sufficient to give full protection to Her Majesty's subjects in that quarter, under all ordinary circumstances. Whether it was sufficient at Tahiti, or any other part of those seas, is a question for the officer in command on the spot. I don't intend, my Lords, to go further into that question.

Whether the gentleman who has been referred to was our Consul or not, at the time these events occurred, or whether he merited or did not merit what has happened to him, these are questions I am not going to enter into on this occasion. My noble Friend has stated what is true—that a great outrage was committed. I entertain no doubt that satisfaction will be given for that outrage, and I am sure that it is better that there should have been no naval contest there, than that there should have been any attempt made by the naval officer on the spot by a contest to prevent what has happened.

The Marquess of *Clanricarde* thought that however weak the Navy might be, its weakness could not be greater than the answer which had been made by the noble Earl opposite to the Motion before the House. The noble Earl said, that no Parliamentary ground had been shown for the Motion; as if to make up for this alleged deficiency, the noble Earl had himself shown that there was full ground for the Motion. The noble Earl having said that the present Naval Force was proposed to Parliament at a time when we were at "profound peace" with the world, himself gave their Lordships to understand, that since the time the estimate was proposed, circumstances had changed in this respect. [The Earl of *Haddington:* No, no.] He was glad to hear the noble Earl say "no;" but certainly the noble Earl had said, in what seemed to him a very marked way, that the estimates were prepared when the country was "in profound peace" with the world—a manner so marked as to leave it to be implied, that since that time circumstances had occurred to threaten that "profound peace;" and, at all events, it appeared to him (the Marquess of Clanricarde) perfectly certain that, in the existing state of things, we had not a sufficient force afloat to have the effect of maintaining peace, by presenting that ready front for war, which on many occasions had prevented the having recourse to war itself. The noble Earl scarcely denied that the present Naval Force was too low; he had shown no reason at all why the line-of-battle ships had been reduced to nine; why one of these ships had been paid off. All he did say was, that nine fully-manned ships were better than a larger number under manned. Now as to the noble Earl's imputation against the system pursued by his noble Friend in respect of the manning of ships, it was generally considered that the so-called undermanned ships, in the time of his noble Friend's Administration, had performed their duty in the most efficient manner possible. He had been informed, on very excellent authority, that our ships at that time were more strongly manned than were Lord Nelson's when he won the battle of Trafalgar. He had been told that the ships now, very many of them, were overmanned — so much so as even to endanger the health of the crews. He (the Marquess of Clanricarde) was very sorry to hear the manner in which the noble Earl referred to the affairs at Tahiti. He spoke of them as a delicate matter. What necessity was there for any delicacy in speaking of them? The facts were notorious to all the world—the agent of our Sovereign had been insulted. The Prime Minister in another place when he spoke of the matter took a proper tone, and so did the noble Earl the Secretary for Foreign Affairs the other night—they did not talk of it as a delicate affair. He (the Marquess of Clanricarde) could not for a moment hesitate to suppose that a proper reparation would be made, and he did not think they ought to be told not to speak on the subject because it was a delicate affair. His noble Friend was told too that he made his speech at an inconvenient moment. Why inconvenient? Inconvenient to the noble Earl it might be; but if because the establishment was too low, it was his noble Friend's duty to make his views known to Parliament, without waiting until the indefinite period, when Government might think fit to consider the discussion convenient. Was he to wait till all the mischief was done, and then say he was checked, because it was inconvenient that the smallness of our force should be known? If on the other hand, the Navy was in a strong and efficient state, surely there could be no inconvenience from making the fact known. The noble Earl said the *Vindictive* was at Tahiti from February to August, 1843, and that she was immediately succeeded by the *Dublin;* but then the *Dublin* also left the station in January, while these occurrences did not take place until March. Dates were important, because they showed that there was ample time to send out orders to the Captain of the *Dublin*, in consequence of the tone taken by the French officers at

Tahiti, and he firmly believed that had the *Dublin* been there at that time, these occurrences would never have taken place. His noble Friend had referred to 1838, because in that year, we being at peace, he was attacked for having an insufficient force in the Mediterranean. At that time an opinion was pronounced by the noble Duke which fully applied to the present time. He observed, that we were not to compare our Navy with its state in former times, but with the increased force of other Powers; and also to bear in mind that our commerce was not only tripled, but that it was extended to ten times its former amount; and that there was no part of the earth, from the North Pole to the South, in which our commerce did not require the protection of a Naval Force. He (the Marquess of Clanricarde) maintained that the Navy did not now sufficiently afford protection to our commerce. Had it been so, Tahiti would not have been trusted to a mere ketch—the *Basilisk.* He entirely agreed in the hope of the noble Lord, that there would be no real disturbance. No one could deplore it more than he should; but to say that what was going on on the coast of Morocco ought not to be narrowly watched, was to suppose a degree of infatuation which he could not believe possible. A fleet had been despatched to that quarter, which circumstance sufficiently showed that the Government thought it necessary to be prepared against any contingency that might arise. He repeated, that the best way of avoiding war was to be prepared for it. Government could not control affairs on distant stations, but by being prepared, they diminished the chances of war.

The Earl of *Haddington* said, that his use of the word "delicate" did not apply to the outrage on Mr. Pritchard, but to the holding of an argument in Parliament on a subject which must necessarily form the subject of discussion between the two Governments. The noble Marquess said, that British commerce was endangered. He challenged him to show where it was not protected. Did he suppose it was only to be protected by line-of-battle ships?

The Marquess of *Clanricarde:* No; no more than in 1838.

The Earl of *Hardwicke* said, that the statement of his noble Friend (the Earl of Haddington) was a statement of facts, and he was of opinion that this statement was a full answer to the noble Earl opposite. The Motion of the noble Earl would not elicit anything that was not printed already. The noble Marquess had just referred to the year 1838, but the number of men then voted was 23,000, while the number voted for the present year was nearly the largest that had been voted by Parliament in these recent years, and he could see no reason for coming down to Parliament and asking for a war-establishment, merely on account of the caprice and eccentricities of individuals in a distant part of the world, whose conduct had been disavowed as soon as known by the Government whose subjects they were. He thought his noble Friend had given ample reasons why the Naval Force should not have been larger than it was. He would not enter into the question of manning ships; many members of his profession thought that ships ought not to be short-manned; that was a very natural opinion in naval men, nor was he surprised that the noble Earl should have introduced this subject to their Lordships. The noble Earl was himself so severely hammered by the public at large, and in that House, that it was almost absolutely necessary for him to take the course he had taken in order to set himself right and appease his wounded feelings. As yet he had not heard one single soul out of doors talk of the slightest necessity for any inquiry upon this question, while it was notorious that such had been the depression of the Naval Service at the period when the noble Earl opposite was at the Admiralty, and the deficiency of the means of equipping and fitting out a fleet, that the state of public opinion absolutely compelled those who were in opposition both in that and the other House of Parliament, to bring under discussion those subjects which he admitted were always more or less inconvenient. At a very early period, when first the friends of the noble Earl took the Government of the country into their hands, they had shown the greatest anxiety to cut down the whole naval expenditure to the very lowest point, he would not say unfairly, for the purpose of inducing the public to think them a most deserving and economical Administration. Then the most extensive changes took place in the arrangements and economy of the Naval Service, and from that period downwards there had been a difficulty in meeting the views of many persons in this country with regard to the speedy equipment of a Naval Force. His noble Friend at the head of the Admiralty had stated that we had large means at command of equipping a great naval force, but there was some difficulty in immediately finding men—of all things the most important. His noble Friend was not to blame, the public opinion on that subject had changed, and he had only been compelled to adapt his opinions to the wishes and desires of the House of Commons. He had got the largest number of men that had been voted during a time of peace, and after those who were responsible for the due administration of public affairs declared that in the present state of our relations with foreign countries that force was deficient, he did not think it necessary to go to Parliament for an increase merely because there had been unfortunately some capricious or choleric exhibitions on the part of some French officers at Tahiti, for which no doubt proper reparation would be made. Putting aside this part of the question, which had been entirely answered by his noble Friend and the noble Duke, he would venture, as a naval officer to make one observation, which he felt, though with great diffidence, ought to put an end to debates of this kind. To be prepared at all times for any emergency that might arise, without materially increasing the expense, they must fall back on that system which noble Lords opposite overthrew. That system was to have an efficient force of able-bodied seamen at all times ready at command. An effective, efficient force of 10,000 or 20,000 men was formerly always kept under command of the Admiralty instead of under the Board of Customs, for the protection of the revenue; and at any moment they might be turned into any of our ships on the shortest possible notice. Such a system always enabled them to meet any emergency that could occur. Such an occasion presented itself when we were obliged to send a force to Portugal, and the equipment of a large force of line-of-battle ships was completed in so very short a space as to excite the greatest surprise in the public mind. But that system had been overthrown by Governments of more recent years, for what purpose he could not understand, and they could not be re-established after being so long quietly acquiesced in without calling for an increase of the Naval Force to an inconvenient extent. Unquestionably, with a force of 36,000 men, when the exchanges had taken place, it might be possible to increase the number of ships. He had always felt that, in addition to a disposable force such as he had described, there should be at all times a considerable disposable force of ships, to enable the Government under any particular circumstances that might suddenly arise to send out immediately ships to any foreign station. The noble Earl (the Earl of Minto) had been himself in that dilemma, and not being able to send ships from home, he was obliged to shift them from one station to another. [The Earl of *Minto :* No, no.] Surely the noble Earl had not forgotten the pamphlets of Captain Crawford and the "Flag Officer," drawing attention to the defenceless state of our shores, when he was at the Admiralty? He felt quite certain that the present discussion would tend to nothing but to draw public attention for a very short time to what passed in that House. His noble Friends, who were perfectly aware of all the circumstances and necessities of the State, would at all times be perfectly prepared to meet any exigency that might arise; and at the present moment he felt confident that at no period of late years had the Naval Service been in a more completely effective state—never had the home yards been better supplied, or the necessary equipments of all descriptions of ships more easily available, while the ships afloat were confessedly on all hands most efficiently and effectively manned.

The Earl of *Minto* replied. He must express his regret that such a statement had been made, as that of the noble Earl, even upon the high authority of Sir Charles Napier, that the Mediterranean Fleet had been in such a deplorable condition, that had any collision with the French taken place, the result must have been very disastrous to our arms.

The Earl of *Haddington* denied that he had referred to Sir Charles Napier as a "high authority"—he had merely quoted the statement of the gallant Commodore.

The Earl of *Minto*: No one could appreciate more highly than he did the great qualities of Sir Charles Napier; no one had been more ready than himself, while at the Admiralty, to employ him, and to entrust to him the discharge of any service. There was, however, a great difference between a high degree of military skill and enterprise for which that gallant Officer was so much distinguished, and that sober judgment in forming an opinion, and even upon a subject like this, which was purely a professional one, and he might add that good fighters were often very bad talkers. But was the Mediterranean fleet in the state in which it had been described by the noble Earl? He said that it was not. This was also the opinion of that most able and gallant officer who commanded the fleet, who had stated that he feared no consequences, and in his correspondence with him (the Earl of Minto), he expressed no doubt as to the result of any service that fleet might be called upon to perform. But had that fleet nothing to do? Had it not to perform a service of the most arduous nature, and the result of which was equally honourable to the persons engaged and to the character of the British Navy? He said that the fleet was well prepared for any service, and that the fleet was more strongly manned than any fleet which had left England during the war. If they went to a comparison of the complement of the crews of the ships engaged in the great actions during the last war, and those of the force which was in the Mediterranean, it would be found that the number of men was greater in the latter. He should, however, explain that the only ships which could be compared with those employed in the last war was the second class of the then rates, namely, the 74 and 76 gun-ships. All the other classes of-line-of-battle-ships in the Navy were much larger than the same classes were during the war, but the class which he had just named was exactly the same with a class extensively employed during the war. In Lord St. Vincent's action, on the 14th of February, there were five seventy-fours, and the crews of all were borne on board each of them—that was not only the complements on the ships' books, but persons taken out of prizes, &c.—was on the average 575 m n. In Lord Duncan's action, the average number of men on board this class of ships was 554. At the battle of Trafalgar the complements of the second class of the third rates—in the larger vessels 625, and in the smaller 563. The average complement, therefore, of each of the sixteen vessels of this class engaged in this action was 598. In the Mediterranean fleet under Sir R. Stopford there were seventeen ships of the line. In addition, however, to the complements of the various ships there were 775 marines, divided between the seventeen ships; this gave an average reinforcement of forty-five marines to each ship. They now came to the complement of the same class of ships as those he had referred to as having been engaged at Trafalgar. Sir Robert Stopford was ordered to increase the crews of his ships by entering men as freely as possible, and in addition every fresh ship sent out from England to join that fleet took out a number of supernumaries, which he would not take into account. The larger class of ships of this rate in the Mediterranean fleet were the *Cambridge*, the *Revenge*, and the *Implacable*. In the first of these vessels the complement of the crew was 598, to which, if the forty-five marines be added, the number would be 643.* The *Revenge* had the same number, and the *Implacable* had a crew of 570 men and forty-five marines, making together 615. The average number of men on board this class of ships was therefore 633, while in the great victory of Lord Nelson the average number for the same class was 625. Of the smaller class of third rates in the Mediterranean, namely, the *Hastings*, the *Benbow*, and the *Edinburgh*, the crews were 540 men and forty-five marines, making together 585. This was twenty-seven more men on board each of this class of ships than there were in similar ships in Lord Nelson's action. The result was that the average of all the seventy-fours in Sir R. Stopford's fleet was 610 men. In Lord Nelson's great action, 598. It appeared, then, that there was a stronger complement on board the ships in the Mediterranean fleet than there was during the war. As for the assertion that the present class of ships required more men to work them than those that were placed in the same class during the war, he could only observe, that certainly the armament was lighter as regarded the weight of the guns, and also the work in the ship was much less than before. Take, for instance, the *Captain*, 74, in 1797. Her weight of guns was 3,310 cwt., while in the *Edinburgh*, the same class-ship as the *Captain*, the weight of guns was 3,120 cwt., making a difference of nine tons and-a-half in favour of the modern ships, with such greatly improved armaments. This was equivalent to the weight of two guns, and of twenty-four men to work them. The weight of shot for a broadside in the old ships was 740, and in the new ships 1,230. As for reducing the number of men on board-ships in time of peace, he was not to blame for having introduced this practice, for it had always been the custom to make reductions in the peace complements of ships as compared with the war complements. For his own part he had always allowed larger peace complements than any of his predecessors. As for the present mode of manning ships, he happened to know that great inconvenience had arisen from over-crowding the crews on board the smaller line-of-battle-ships. He was satisfied that considerable inconvenience would arise from this proceeding, and he feared that the opinions of those able and distinguished officers, Sir T. Hardy, Sir R. Stopford, and Sir W. Parker, coincided with his own. He held in his hand a communication from the last named officer, pointing out the evils which would arise in persisting in this practice. [The noble Earl read the document.] He would not attempt to answer the noble Earl who spoke last, who had made a very able diversion in the debate, by making an attack upon him, at which, however, he did not feel in the slightest degree hurt. The noble Earl complained of the reductions that had been made in the Navy, and described them as being most pernicious. He (the Earl of Minto) was fully aware of this; and the last blow given to the Navy of this country was when Lord de Grey was First Lord of the Admiralty. But immediately he was appointed to the Admiralty he found the Navy Stores to have been reduced to the lowest ebb, and he instantly went to work to refill our great arsenals. He trusted that they would never see the Navy reduced to the state which it was in 1835. He would only add, that he was surprised that his Motion was resisted. He had met with the greatest difficulties in obtaining any information respecting the Navy. Whenever he had put a question on the subject he was met with the complaint that he had not given notice, and now that he had given notice he was told that it must be resisted, as it implied a censure on the Board of Admiralty. He did not think that this reluctance to give information manifested any great confidence in the state of the Navy.

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* The figures in the different reports are very confused.

The Earl of *Haddington* observed, that he had only quoted the opinion of Sir C. Napier as to the manning the ships, not to express any concurrence in his opinion of the result. The noble Earl said that Sir C. Napier was a good fighter, but not the best person to decide a question of this kind. Now he (the Earl of Haddington) should have thought that that class of officers were the most likely to give a sound judgment on such a point. Certainly, the feeling must have been very strong to induce that gallant Officer to express such an opinion.

On Question, *Resolved* in the *Negative.*

LAW COURTS (IRELAND) BILL.] Lord *Campbell* moved the Order of the Day for resuming the adjourned Debate on the Amendment moved after the Third Reading of the Law Courts (Ireland) Bill. The object of his Amendment was, that the patronage of the offices in the Courts of Law in Ireland should be transferred from the Lord Lieutenant to the Chief Judges of each Court.

The Duke of *Richmond* thought that the Irish Judges would rather be without this patronage. He thought that it was most desirable that the Judges should be kept aloof from any matter of this kind.

Lord *Campbell* remarked that the patronage to the offices in the several Courts of Justice in England rested with the Chief Justice in each Court, and by giving the patronage of these offices in Ireland to the Crown an invidious distinction was drawn between the Judges of the two countries. He had received communications from several of the Irish Judges, expressing their approval of the Amendment which he had proposed.

The Earl of *Wicklow* presumed that the noble Duke, entertaining the opinions which he did, would move for leave to bring in a Bill to take away this description of patronage from the English Chief Justices and give it to the Crown. He hoped that this Amendment would be agreed to, as it was another step to assimilate the practice in the Courts of the two countries.

The *Lord Chancellor* remarked, that so far from the Irish Judges regarding the bestowing this description of patronage on them in an invidious light, he knew that it was directly the reverse from communications which he had received from them.

The Marquess of *Normanby* had no doubt but that the fact was as stated by the noble and learned Lord on the Woolsack, as to the feelings of the Judges. The question before the House was, whether this was a proper course to take. He had been Lord Lieutenant of Ireland for four years, and had often been called upon to exercise patronage in connection with the Irish Courts of Justice, and he should at once say, if the Judges of those Courts were anxious to receive this patronage, any Lord Lieutenant would very gladly part with it. He had ever been of opinion that this description of patronage should rest with the Judges of the respective Courts, and as it was another step to assimilate the practice of the two countries, he should support the Motion.

The Duke of *Richmond* observed that he was perfectly ready to support a measure to take away this description of patronage from the English Judges. He objected to leave this patronage to the Judges, who for any indiscreet exercise of it might be attacked in Parliament.

The *Lord Chancellor* said, that the Irish Judges felt that they were not on a footing of equality with the English Judges. They felt as if it were thought that they were not competent to be entrusted with the exercise of a species of patronage which ever belonged to English Judges.

The Earl of *Fortescue* cordially concurred in all that had been said by his noble Friend (the Marquess of Normanby) near him. He did not see that the Judges in Ireland were likely to make a worse exercise of this patronage than the Judges in England. He thought that in every instance it would be much better to leave the Judges to appoint the officers of their own Courts.

Amendments agreed to. Bill passed.

Poor Law.] Lord *Wharncliffe,* in moving that the House do now resolve itself into Committee on this Bill, proceeded to explain the principal alterations made by it in the existing law. The first he should notice was that respecting bastardy—a subject which was one of the most difficult for legislation that could well be conceived. There was no doubt that the law as it stood at present on that subject was most unsatisfactory, and that the evils which it had given rise to, without, in point of fact, relieving the wants and distresses of those poor women who were the object of it, were so great and the proceedings on the part of the overseers often so shameful and disgusting, that some alteration was deemed to be absolutely necessary. He was one of those who had thought that if the evil of bastardy was to be corrected at all, it must be by improvement in the conduct and behaviour of the women, and for this purpose it was recommended by the Poor Law Commissioners, that the whole burthen of supporting the bastard child should fall upon the mother, under the idea that it would tend to enforce chastity upon the part of the woman. But in that he, and those who brought in the Bastardy Clauses of the present Act, were deceived; for, though in some parts of the country bastardy had decreased, it had on the whole increased. Some alteration was therefore necessary. Under the existing law a woman, after being delivered of a child, might apply to a Justice of the Peace, or rather upon her application to the parish for relief, the parish officer would take her to a Justice of the Peace, who was empowered to issue an order to summon the alleged father before him, and on his appearing might issue an order for the payment of a certain maintenance; but the power of enforcing him to pay a certain sum for that purpose was quite inoperative. If he refused to pay, there was no means of compelling him. Before that alteration was made the order could only be obtained at Quarter Sessions. The Clauses so enacting had been drawn by him; his impression at that time being that the fear and shame of being brought before the Quarter Sessions would be an incentive to women to take better care of themselves. He also inserted a provision that no man should be deemed to be the father of a child without coroborative evidence; because he had seen great abuses arise from the absence of such testimony. They at the same time could not conceal from themselves that there was a cruelty in not providing the woman with some effectual remedy, or with the means of supporting her child; and the question was how that remedy could be given without affecting the poor. They had accordingly come to the conclusion, that the best way to act would be to disconnect the matter entirely, to make it no longer a business of the overseers or persons connected with the Poor, but to give to the woman a summary means of obtaining from the putative father a certain amount of relief for the child. The present Bill enabled the woman to go before a Magistrate when pregnant, or after the delivery of the child, to swear to the circumstance, and to name the father. The Magistrate, upon being satisfied, not only, however, on the oath of the woman, but on other evidence, that the man named was the putative father of the child, could make an order against him for a sum not exceeding 5*s.* per week for the first six weeks after her confinement, and after that 2*s.* 6*d.* per week, the non-payment of which upon proper investigation would incur imprisonment. But the woman must herself go and make her complaint before the Magistrate, from whom, if she thought proper, she might obtain an order against the putative father for the payment of the money—the money to be paid to her, and not to the overseer. It was, in fact, not to go to the relief of the poor at all, nor was the mother herself to receive relief unless as a destitute person would in any other case. He thought that the effect of obliging the woman to go herself before the Magistrate was better than to have her led as heretofore by the overseer. If she did feel she had a right to receive something from the father of the child, she could go and complain, as in any other case, upon which a Magistrate would decide. The Bill also gave an appeal to the Court of Quarter Sessions, in which case also the woman must give not only her own evidence, but adduce corroborative evidence also. The next point related to apprenticeships, with which many evils were connected. By this Bill all compulsory apprenticeships were done away with. Then came several Clauses on the subject of voting for the Guardians of the Poor. That brought him to the 25th Clause, which provided for the relief of married women, in certain cases subject to the conditions on which it was to be granted to widows. The principle of the Bill was, that old and able-bodied persons might receive relief out of the workhouse. A proper understanding between the Boards of Guardians would prevent any abuse of this relaxation. If, in manufacturing and populous places, which were liable to great and sudden fluctuations in trade, they refused to apply the labour test, the people might starve—it was quite a mistake to say that people who were driven from one trade had only to turn to another; and the fact of the Commissioners being unable to enforce their order against outdoor relief in such cases showed it to be so. Some alteration was also required to correct the evil arising from the necessity of sending persons back to their own districts. In manufacturing counties the labourers were constantly changing, as from Lancashire into Yorkshire. He thought great advantage would arise from the relieving officers of the different Unions communicating with each other in reference to the parties seeking relief. The Clause relating to the burial of paupers was an improvement. He next came to the appointment of district auditors, which he thought a very great improvement. Experience had proved that when the matter of accounts was under the guidance of the overseers solely, the most improper practices prevailed. The introduction of auditors to audit accounts had had the best effect in producing regularity in accounts, and the saving of considerable sums of money to parishes. The new Clauses would establish what were called district auditors, so that instead of each Union having an auditor, a certain number of parishes would have them, and they would be spread over a greater space. A very important part of the Bill was the formation of district schools. An experiment had been made which showed in an extraordinary degree and satisfactory manner the advantages of such establishments. Not many years had passed since a district school consisting of children from a great number of parishes in London was established at Norwood; a very different kind of institution from those where children were farmed at so much per head, and where they were both ill-taught and ill-tended. He had never been so much pleased as he had been with his visit to the establishment at Norwood. Their Lordships might there have seen children whose very features seemed to indicate the miserable and vicious condition from which they had been removed, happy and desirous of receiving instruction; and they were instructed not only in reading, writing, and so forth, but in industrial pursuits of several kinds. If their Lordships had not visited the Norwood school, he recommended them to do so, and then they would discover what good effects could be produced by small means. An object of this Bill was, that in populous districts not exceeding fifteen miles from one part to another, there should be established a school under a Board constituted for the purpose. He apprehended that this would lead to very great benefit to the poor themselves, and to their unfortunate children, many of whom, if left to themselves, must sink in ignorance and vice; but they would now have an opportunity of being properly educated and made good citizens. There were other clauses forming what were called district asylums. Their Lordships must have seen day after day in the newspapers statements that various persons had been found wandering about without any visible means of subsistence; these asylums were proposed as places in which such unfortunate people should be accommodated for a short time previous to their settlement being fixed in their respective parishes. There was another most important clause for making the unions smaller. He believed that a great mistake was at first committed under the New Poor Law in making the unions too large. This Bill gave permission to separate parishes from Unions without consent of Boards of Guardians. Such, generally, were the objects of the Bill—a Bill which he knew was much objected to, as indeed the amended Poor Law Act had been continually. The amended law had been the object of great vituperation on the part of certain persons in this country; but he could not help thinking that those persons had forgotten the evils of the old law. He thought also that they estimated too lightly the difficulty of dealing with this subject. In this country there were different classes of men among the lower orders; persons employed in a thousand different ways. In one part of the land there were manufacturers; in another, agriculturists; and in another, a mixture of both—it was most difficult indeed to suit all descriptions of persons, three or more, of which the mass of the population consisted. But the framers of the New Poor Law and its supporters had been charged with inhumanity. He must say from experience that under the new system the poor were infinitely better off than under the old law. Let their Lordships look only at the question of medical relief. It was stated that the medical officers under the new law were too ill-paid, and therefore they did not attend to the poor. He must say that the medical officers took much greater care than ever they did before—some one or two might be underpaid, and not take sufficient care of the poor, but under the Old Poor Law, if poor persons were suddenly attacked with illness they were left unattended; and if their constitutions were sufficiently strong to bring them through the attack they might get better. With respect to relief given under the new law, he must say that any one who had seen the effects of the system under the present relieving-officers must admit that the new law was better than the old, when it was always a sort of contest and argument between the poor and the overseer as to whether they were fit objects for relief or not; and the only resource was to go before a justice, who in point of fact knew nothing at all of the case, or whether or not it was a fit one for relief. Now, if the Board of Guardians ordered relief, the poor man was sure to get it. But how long did he wait under the old law? If once their Lordships consented to return to that state of things when the parishes themselves would manage their own poor, the same difficulties would be thrown in the way of obtaining relief. Now the relieving officer was compelled to go his rounds on a certain day, and the allowances were punctually delivered, and the poor were sure to receive them. That in itself was a great relief to the poor. A great deal had been said about relief for the aged. As far as his experience went, he believed that the aged were much better treated under the present law than under the old one. He had never seen in the Board of Guardians which he had attended, nor had he heard of, any indisposition to give relief to the really destitute poor, nor was there any disposition to drive them into the workhouse, unless the Guardians were convinced that it would be better for them to go there. A great deal had been made of the separation of a man from his wife and family; and that had been spoken of as a new regulation. Why, in all well regulated workhouses under the old law the same rule existed: indeed, it was utterly impossible that the inmates of a workhouse should not submit to some regulation of that kind. There might have been instances, and they would arise, in which he would not say cruelty, but at least improper conduct, towards the poor had taken place. But, generally speaking, the practice had been satisfactory as far as respected the old and the married. The first were far better off than under the old law; and the others were in no worse condition than if they had remained under the old law. A great deal had been said also upon the Board for the management of the law. Speaking on the authority of the best information, as well as his own experience, he must say that he was as fully convinced as that he stood before their Lordships, that the existence of a Board in London whose business it was to manage the Poor Law and to correct the improper conduct of the persons who executed that law, was the greatest security that the poor could have that they would be treated in a proper manner. He felt called upon to make these declarations in consequence of the constant attempts which were made to cry down a particular law, which he thought, so far from deserving the reproaches cast upon it, deserved the reverse. It was the duty of an honest man, and more particularly of any man in a public situation, feeling himself in any way responsible for the alterations made in the law, to come forward on such an occasion as the present, and to state his conviction that the present

Poor Law, so far from having inflicted wrong and evil upon the poor, had in point of fact worked great good for them. If he was asked what was the best possible mode of managing the poor, his only answer was, that although ready to admit that there had been cases of hardship, every one of which was now sure to be known, yet he should be glad to know, for he had never yet heard, what other scheme was to be put in the place of the present one, by which the situation of the poor would be bettered? The new law was undoubtedly proposed upon the best information, after great care and attention, by some men, and supported by others of different politics, whose joint object was, undoubtedly, to make a law that should be such as not only to give satisfaction to the public in general, but which should be more suited to the condition of the people requiring relief. He thought it became him, in his situation, openly to state his opinions upon this subject, because he could not help seeing that there was a constant attempt to cry down those who supported the New Poor Law, and who were anxious to ameliorate the condition of the poor.

The Duke of *Richmond* said, he was anxious to offer some observations to their Lordships upon the present occasion, because he had been Chairman of a Board of Guardians from the first operation of the new Law, and he believed that no man had been more personally abused than he for taking that office. With regard to the numerous attacks against the Board of Guardians of which he was Chairman, he would only briefly say that every one published in the newspapers was untrue. They very often took up one particular part of a question,—a little truth,—and then argued upon it; they said frequently that the Guardians separated to a great extent, the inmates of the workhouse. He could declare that there was not a man of good character in that workhouse who had not an opportunity of seeing his wife and children three or four times every week if he wished. It had also been stated, that the old people were ordered to go into the house instead of having relief given to them out of it. He never knew an instance in which that had been done, except in one case; a very amiable and charitable lady applied to and canvassed the Board of Guardians to give out-door relief to an individual. The Board felt that if once they permitted a canvass such as that to take place, they would show to the paupers of the district that if they had friends with power and influence they would be better off than those who had none. Consequently the Board refused to give out-door relief in that case for a time, but afterwards, when the effect of the canvass had gone off, they gave out-door relief as before. With respect to the first Clause in the present Bill, proposing an alteration of the bastardy Clause, he confessed that he had thought the Clause in the new Act a good one; but he was not prepared to vote against this Amendment, because after reading the Return on their Lordships' Table he saw that in some districts, and more especially in the manufacturing districts, bastardy was on the increase. He was, therefore, willing to try whether this Amendment might not prevent such increase. He was not opposed to the Clause for affording relief to widows, for, even now, he knew that widows were relieved out of their unions. With a proper communication between the officers of different unions, the plan might work well, the object being, not to give relief to a person leading an immoral life or earning large wages. He agreed with his noble Friend that great advantage would arise from making the unions smaller. He had always thought that the Poor Law Commissioners had made the unions much too large in size; because, if he understood anything of the principle of the Poor Law Bill, he thought that every pauper should have it in his or her power to go before the Board of Guardians to make a complaint, which could hardly be possible if they had fifteen or sixteen miles to go to the Board, and the same distance to return home. He was happy to find, therefore, that the size of the unions was to be reduced; but he thought that the Poor Law Commissioners should give notice to the Boards of Guardians, before parishes were severed from unions. There were other points in the Bill to which he would not more minutely advert. But he thought that there ought to be some alteration with regard to the visitations of Assistant Commissioners. It was generally felt in the country that they visited unions for the purpose of screwing the law a little tighter. He wished to see a body of officers appointed who should visit the various workhouses, and see what accommodation they afforded, and how the inmates were treated, and report accordingly to the Government; and that they should make their visits without notice, and without the control or interference of the Guardians or the officers of the Union. He should prefer that those reports should be made without the knowledge of the Guardians. This he regarded as one of the most important features and one of the most important Amendments of the present law. There were, however, several other important things which he thought should be inserted in the present Law. He alluded in the first place to a case which was not unfrequently brought before the Magistrates at Quarter Sessions. At present, if a man, or a woman, or a boy ran away from the workhouse, that individual was charged with felony for taking away the clothes. Now, he denied when they ran away from the workhouse in that manner and took their clothing with them that that act was felony, even though it might be regarded in that light by the Law. Whoever heard of a deserter from Her Majesty's service, taking away his regimentals with him, being tried for stealing the Queen's jacket? The thing was absurd, yet he knew it was the Law. He wished to have it provided by the present Bill that that act should not be punishable as a felony, but that there should be some punishment attached to the offence of running away, which punishment should be applied. Another case of what appeared to him to be one of extreme hardship to the poor in an agricultural parish he would state to the House. Suppose a poor man—a woodcutter—in a parish was taken ill and became unable to work. It was impossible for such a one to pay 10*s*. or 12*s*. a-week for a surgeon; he must apply to the Board of Guardians for medical aid, and if he received it, the Law, as it at present stood, declared that medical aid was to be regarded as relief, and that the person receiving it was liable to be removed to the parish to which he belonged. That, in his (the Duke of Richmond's) opinion, was an injustice. He thought they should not, for having granted mere medical aid alone, remove the pauper the moment he recovered back to his own parish. He trusted that his noble Friend the President of the Council would have no objection to the insertion of a Clause in the Bill to abolish that principle in the existing law. There was yet another point to which he wished to refer, and it was one which he approached with considerable delicacy. He regarded the medical officers of Unions as highly efficient, diligent, and respectable men. In his own Union he knew that they were very closely watched; and he knew, also, that they did their duty to the poor in such a manner as entitled them to the highest credit. It must be remembered, however, that the medical officers received a certain fixed sum annually for the performance of their duties, and that they received, in addition, a further sum for fractures and operations. Now, he (the Duke of Richmond) was far from imagining it for a moment, as he was sure any one of their Lordships would be—but might not the people suppose that operations might sometimes be performed, for the sake of the extra fee, which really were not required? He was of opinion that no operation should be performed in a workhouse without first calling in and obtaining the concurrence of another surgeon in the proceeding; and he thought, indeed, that no operation should be performed in a workhouse if there were a county hospital in which it could be undertaken. By the present law, however, parishes were not allowed by the Commissioners to subscribe to the county hospital. Any noble Lord or other person might individually subscribe and give orders for admission to the hospital, but from the parish that right was withheld. In his opinion that restriction upon parishes should be removed, or at all events, contracts should be made with the officers of the county hospital to take in cases which could be better attended to there than in the infirmary wards of the workhouse. That part of the proposed Bill which had reference to the apprenticeship of pauper children he looked upon as an improvement in the existing law; but it did not go far enough, for he was strongly of opinion that all settlement by apprenticeship should be done away with — that a boy should not gain a settlement by his apprenticeship. There was another enactment in the present law which he thought inflicted a great hardship upon the poor, and which he would illustrate by a case with which he was acquainted. A girl of 17, who was in service in Brighton, caught the scarlet fever. Her mistress sent to her mother to take her home. Her mother resided in Brighton, but belonged to a parish thirty miles off. She was afraid to take the girl into her house on account of the contagion. The girl went before the Guardians, who gave her a suspended order. She was taken to her parish in a cart, where the Guardians offered to take her into the workhouse, and to provide her with a place when she should recover. She replied that she was very much obliged to them, but that her mistress had kept her place open for her, and that she wished to go back to Brighton. The Guardians, however, had no means of sending her back to Brighton, so they entered into a subscription on her behalf, and the overseer was actually paid for taking her back. These unfortunately were not cases of very rare, but of very frequent occurrence, more especially in towns where Local Acts were in force; yet this Bill did not propose to get rid of Local Acts, or of Gilbert's Acts. He would not say much of Gilbert's Acts, but he did say that if they were better than this Act the whole of the country should be under Gilbert's Acts. If, on the contrary, this Act were superior to Gilbert's Acts, then let the whole of the country be put under it, despite the clamour of a few persons, whose end was to gain a short-lived popularity; and certainly such popularity could not be very lasting, for the people in the end would be sure to find out the motives which urged them to adopt such a course. By the present law, in case of any infectious disease breaking out in a workhouse, it was the duty of the Guardians to appoint a visiting Committee, who were to visit persons attacked with the malady. The Committee, no doubt, did usually perform their duties conscientiously, but it could not be denied that in some cases their duties were neglected; and he would put it to their Lordships whether it would not be far better, instead of constituting this visiting Committee, that they should appoint some consulting physician or experienced surgeon with whom the duty and the responsibility should rest? He wished also to call the attention of his noble Friend to a provision in the Bill which for the first time recognized a Petty Session as a Court. Two justices meeting and dining together formed a Petty Session, but had never been considered to form a Court. He merely alluded to this, in the hope that his noble Friend would reconsider the point. On the whole, he regarded the proposed Bill as a very great improvement upon the law as it now stood. He entirely concurred with his noble Friend that the present Poor Law had been a great amelioration of the old law, but he thought that the law might still require amendment. It had always appeared to him that the worst part of the old law was that it contained enactments which had never been acted on, and all he wished was that before long such further amendments might be introduced into the present law as would make it advantageous that it should be acted on to the very letter. To make it more stringent than it now was he was sure none of their Lordships wished; for himself, he felt that the Poor Law had been advantageous to the better class of poor, though he did not doubt that it gave dissatisfaction to those idle loose paupers who were wont to hang about the house of the overseer, forcing him to give them money to which they were not entitled. To such as those he doubted not that the present Bill had given great dissatisfaction; but he felt bound to say that the less palatable a measure of this character would be to them, the more beneficial it would likely be to the honest, sober, industrious, but unfortunate poor.

Earl *Fortescue* would not at so late an hour of the evening detain their Lordships with any lengthened observations; but he was anxious to express the entire concurrence which he felt in all that had been said by the noble Duke who had just sat down, as well as by his noble Friend the President of the Council, with reference to the good effects which had generally resulted from the operation of the Poor Law as it at present stood. He was quite satisfied that whilst it had removed from relief out of the poor-rates a vast number of the idle and undeserving who extorted from the fears of the overseers that to which they were not justly entitled, it had given a more liberal amount of relief to all those objects who were truly deserving of charity and aid. He was happy also to state that he considered all the alterations proposed in the present law, with a few exceptions, to be improvements. If he could not express much confidence with respect to the Bastardy Clause, yet he must admit that the law, as it now stood, had not produced that good effect which he, in common with many others, had expected from it. He was not, therefore, disposed to oppose the proposed change in that Clause, he only hoped it might prove in its working to be a real improvement upon the existing law. To the 26th Clause, which gave the power of granting permanent relief to widows out of the Union to which they belonged, he felt a greater objection than had yet been urged to it. It appeared to him to be the establishment of a new principle in the law to compel Guardians to give relief to persons at a distance from their Union, and over whom they had no surveillance whatever. It was a painful thing to oppose any relaxation of the law, more especially when he felt satisfied that it was brought forward with the kindest and most humane motives; but believing, as he did, that the present law had worked beneficially, and that in all cases of great hardship, the Commissioners were willing to exercise the power which they had of granting relief, he should wish so to modify the Clause, limiting the relief to be granted to widows to twelve months after their widowhood. He would not take up the time of the House by pressing this recommendation unless he found that there was a pretty general concurrence in his views; but if there should be such concurrence, he should be very willing, on going into Committee, to introduce such a provision as he referred to. He could not conclude without expressing his entire concurrence in the praise which had been bestowed by the noble Lord, the President of the Council, and by the noble Duke who had preceded him, upon the constitution of the Board of Commissioners at Somerset-house. He must say, that he considered the Gentlemen who composed that Board to be entitled, by the ability, temper, and humanity which they had shown in the discharge of their duties, to the gratitude of the poor and to the confidence of the public at large. He was the more anxious to say thus much in their favour, knowing how universally they had been made the subject of attack out of doors, whilst they had not been so stoutly defended within as they deserved.

The Earl of *Hardwicke* thought it could not be denied that their Lordships were a very fitting assembly to discuss this matter, for he believed that there were to be found amongst their Lordships not less than eighty-three Chairmen of Boards of Guardians. The knowledge which they must bring to bear upon the subject—the deep feeling which they must have for the poor, and for those who lived about them, must render them more peculiarly fitting than perhaps any other body in the country to legislate upon this important subject. Unquestionably, he should have liked to make some remarks upon the opinions which had been promulgated with respect to this law for some years past. All he would now say, however, was, that spite of the most powerful resistance from a certain portion of the press,—spite of the excitement which had been attempted to be got up in some parts of the country for political purposes—spite of all that—and despite, too, the assemblies of people got up on various occasions in the county in which he lived, by those who were anxious to oppose the law by every means in their power, yet he would say, that from the humbler classes of society in the agricultural districts he had never heard a word which had not clearly evinced to him, that there was upon their part a confident feeling that this was a law which would work for their ultimate benefit, and which would tend to place them in a better position than they had ever been in before. He contended, that it had done this—that the poor of this country were in a better condition than they had ever been in since the commencement of this country as a country, or since their existence as a people. When he had heard statements as to the olden times in England, and the happiness which the poor man then enjoyed, he set about to discover and to find out what really was the fact upon that subject, and he spoke to aged persons, and asked them to compare their present state and condition with their more youthful days, and to tell him whether they were happier now than then. When he had taken occasion to propose such a question to aged people, the invariable reply which he had met with was, that they considered they had great reason to congratulate themselves upon their present state and condition. Such was shortly the result of his opinion with regard to this law; and he must say that to the general practical working of it he had never heard any other language held among the poor, but that it tended to ameliorate their condition, and would tend to their ultimate relief and benefit. He held in his hand a Report of the state and condition of the labouring classes, made some years ago before this law was passed. Every noble Lord must remember the state and condition of his own part of the country at that time, the discontent which existed between the farmer and the labourer, the allowances made to the poor, and the wages paid out of the rates; all these things tended to produce a state and condition of the people of the most alarming character. He could only say, that when he first became possessed of property, just as this law was being introduced, he was asked by the farmers and gentlemen of his neighbourhood, "What are we to do? We are in an alarming condition." This law came into operation, and things were totally changed; the poor, contrary to what they had done, respected the middle classes. How came that about? There must have been some good reason for it. It had been asserted, and with great power and force, too, that the state of the law as it now existed had a tendency to grind and oppress the poor, and to lower the rate of wages. He felt bound to say that if this law were worked in that way it would have that effect. If bad people would work it in that way, there was no Poor Law that could be passed, but might be made to grind the poor and hurt their feelings; but was such the disposition of the people of England? One of the modes of grinding the poor that he had heard of was this:—A labourer came to a Board of Guardians and said he was in want; it was the custom of some Boards of Guardians, and of the Board over which he presided, to inquire of the labourer, "Have you tried to get work?"—"Yes." "Very well; if so, you must prove it. You must test that fact; here, take this paper, and get it signed by the farmers that you have applied to them for work, to enable you to show us that you have tried to get work." He admitted that that practice might have been made a very great evil—that that instrument might be used in this way—that the labourer might go from farmer to farmer and be refused work until he came to one who would offer him work at a very low price. But that man might come to the Board and say, he had been refused work except by Mr. So-and-so, who had offered him work at such a low price, that he could not take it; and, he would ask their Lordships, would the Board refuse relief in such a case? If it would, that would be a grinding law. But if the labourer would enter into the spirit of the law, he would know that at the Board of Guardians was his surest protection. He might state that he had refused wages at such an amount, and he (the Earl of Hardwicke) contended that that Board of Guardians, if it did not consider that man in a state and condition to be taken out of the labour market altogether, and throw his support on the parish would not do its duty. He (the Earl of Hardwicke) contended that the law was a humane one; and that if the labourer when in necessity would go with his family into the workhouse for a short period, he would find that the parishes would be unable to support any system of low wages which forced him into the workhouse, and the law would thus be the means of raising the wages of the labouring class. He would not proceed further on this subject at that time of night, but must address himself to one or two Clauses of the Bill. He had no objection to the Amendments generally; they unquestionably were Amendments of the Law. He concurred in all the Bastardy Clauses except one—the fifth—the one which made money payable to the mother of the bastard. That was a very serious question, and on discussing it formerly they had considered this very point as fatal in itself;—that the practice of paying the mother encouraged the offence and begot more bastards, till the mother was enabled to support herself on the price of her own prostitution. He was borne out in this view by a very valuable paper written by Sir Edmund Head on this subject. He said,

> "Whatever the enactment be which is most effective in checking bastardy, to that we must look as checking infanticide....On the other hand, the law which holds out to a woman the prospect of maintenance for her bastard, or holds out the hope of a tardy marriage from compulsion not from affection, that law may be said to promote bastardy, and among its consequences, infanticide."

The old law held out to a woman having a bastard this encouragement—

> "Your oath shall compel any man to relieve you of your burthen, and while it gives you the privileges of a wife, it may do more—it may get you a husband."

He did hope that this principle would not be re-established. It would be much better, in his opinion, to make the money payable to the parish from the father, and that the parish upon the application of the mother should support her. The only other Clause to which he objected was with regard to district schools. Certainly his noble Friend (Lord Wharncliffe) had been very much pleased with Norwood; he had no doubt that school was admirably conducted, but these district schools required some consideration, for in many parts of this country the whole of the schools were maintained by the landlords themselves. If they made any system of relief or education so excellent and expensive, they would have a falling off in charity. People would not pay at both ends, and they would have a falling off in their charitable institutions. The Poor Law Bill should not have that effect at all, it should rather be a disagreeable bill than an agreeable one; and they ought only to take care that relief was given to parties in distress, and not interfere with charitable institutions; for the moment they did so those institutions would break down. He had a strong objection to the taxing of the people by the Poor Law Commissioners for carrying out their own views. He thought that a great evil. They would create an odium against the Poor Law altogether, if they allowed the Poor Law Commissioners to come down and tax the people where they had an interest in doing so. But he would put this case:—Suppose a pauper who had five children sent them to the asylum or to the district school, and went into the workhouse himself. The pauper would probably find work or would say that he had done so, and would quit the workhouse, leaving his children in the district school. They might have some difficulty in finding the father, and what in that case was to become of the children? According to the principle that had been laid down, the father must support his family if he was able do so, and the children ought therefore to be no longer retained in the school. They must recollect that the maintenance of the children in the school would be attended with great expense to the parish, It was not his intention to propose any Amendment; but he must say that he thought they ought to have had more time allowed for the consideration of this Bill. He wished it had been possible to refer the Bill to a Select Committee, in order that its enactments might have been carefully considered and digested. He would not, at this late period of the evening, trespass further upon their Lordships' time, and he begged to thank them for the patience with which they had listened to the few observations he had addressed to them.

Lord *Lyttelton* concurred with the noble Earl who had just sat down, in regretting that this Bill had not been brought before the House at an earlier period of the Session. They had not had time afforded them to give due consideration to the measure, still less to consider the Amendments which had been suggested by some noble Lords. There was one point to which the noble Lord had called attention, on which he (Lord Lyttelton) wished to correct him, as to the Board of Guardians not being allowed to subscribe to charities or hospitals. He believed that in many cases that was done. He agreed in many of the observations made by the noble Earl who had just sat down, as to the general question, and especially in his remarks on the subject of district schools. That was one of the points which, in his (Lord Lyttelton's) opinion, required most careful attention and deliberation. He might observe, that the noble Lord who had introduced this Bill had stated that those schools were to be established only in the most populous districts; and that, he believed, was the general understanding. At this late period of the Session, and especially at this late hour of the night, he would not occupy their Lordships' time by any lengthened observations on this subject; but he could not but feel some regret that any necessity had existed for introducing a Bill of this nature, for the "relaxation," as it was called of the existing law. He was not disposed to deny that some necessity might exist for the introduction of this measure, and rather than the people should be subjected to sufferings which might be relieved by this Bill, it was, undoubtedly, advisable that recourse should be had to such a measure. At the same time he believed that the tendency of the existing law was, unquestionably, to remove from the minds of the poor the idea that the poor's rate was the proper and legitimate source to which they ought to look for support and maintenance. He was not prepared to oppose the present Bill, though it was his intention to propose some few amendments in Committee.

The Earl of *Stradbroke* said, that since the adoption of the present Poor Law Act in 1834, he had been Chairman of a Board of Guardians, and he could state with the utmost confidence, that that Act had had a most beneficial effect in all the Unions that had come under his observation. The principal Clauses in the present Bill, were those relating to bastardy. It had been correctly stated by the noble Lord, the President of the Council (Lord Wharncliffe) that, previously to the adoption of the New Poor Law Act in 1834, the gaols of this country were filled with men who had been committed by Magistrates for non-payment of bastardy orders. Under the present Bill the reputed fathers of bastard children were liable to the same misfortune—to the penalty of three months' imprisonment. In fact, they were now going back to the old law, and this he thought a valid reason for opposing the present Bill. He understood that this Clause was introduced under the supposition that bastardy was extending. He had taken some pains to inquire into this subject in the neighbourhood in which he resided, and he could assure their Lordships, that since the adoption of the present Poor Law, bastardy had greatly decreased; but, if their Lordships agreed to this Bill, which allowed the payment of money to the mothers of bastard children, for the maintenance of such children, its certain effect would be to increase bastardy. It was already known that a Bill of this nature was likely to be adopted, and he could assure their Lordships, from information he had received from different parts of the country, that there had been great rejoicing among a certain class of people in anticipation of receiving what they called their pay. He could state—and he was sure that many noble Lords, who were Chairmen of the Board of Guardians, could confirm his assertion—that, since the adoption of the New Poor Law, a great stimulus had been given to employment. Considerable objection had been urged to the separation of husband and wife, which was enforced under the present law; but, if noble Lords would read the Reports which had been made on the subject of the Poor Law, they would find that in workhouses under the operation of Gilbert's Act, and of Local Acts, where no such separation took place, the greatest vice and immorality existed. Had time allowed, there were several other points to which he wished to have adverted; but he would not trespass farther upon their Lordships' attention.

The Bishop of *Exeter* moved that the debate be now adjourned.

The Earl of *Radnor* said, he would not detain their Lordships many minutes. He entirely agreed in the observation of his noble Friend, who had spoken early in this debate, with respect to the working of the present Poor Law, and he considered that great praise was due to the Commissioners for the manner in which they had carried the measure into operation. He thought, when such warm eulogies had been passed upon the present law, some praise was also due to those persons by whom that law was introduced. A noble Friend of his, who, he regretted to say, seldom attended in that House, and also a noble and learned Friend of his not now present, were, he conceived entitled to the gratitude of their Lordships for their advocacy and support of the existing law. He had not obtruded himself upon their Lordships for the mere sake of making this declaration, but because he wished to protest most strongly against the bastardy Clauses in the Bill now before the House. He believed that the original Poor Law Amendment Bill, as it came from the House of Commons, contained no bastardy Clause; and in that respect it was conformable with the Report of the Commissioners, on whose recommendation that Act was founded. He thought it was most prudent to leave that matter untouched—to leave to women the preservation of their own virtue, without any legislative enactment on the subject. He thought so at the time, and he still continued to think so. The only part of the New Poor Law which had not acted well had been the bastardy Clauses; all the other parts of that measure had worked satisfactorily, the bastardy Clauses alone had not done so. They had been altered once or twice in the interval, and they were about to undergo a fresh change. The first mode in which they were carried into effect was, by suffering the woman to swear her child before she was delivered; then she was suffered to receive money in person from the father; and, lastly, resort was had to imprisonment in gaol if the money was not paid. All those conditions having been abolished were again to be revived; women were to be allowed to swear to the father whilst yet pregnant; she was also to be suffered to receive money of him directly, and he was to be sent to goal if he did not pay. Those were all of them admitted grievances of the Old Poor Law, and yet they were about to put the present law into the state in which it formerly was. He should not be able to attend the Committee on the Bill; but, if he had been able to be present, he should have said "Non Content" to every one of the Bastardy Clauses, and have voted for leaving the law in that respect exactly as it was at present.

The Marquess of *Normanby* could not allow the question of adjournment to be put without giving his cordial assent to the assertion of the noble Lord on the opposite side, who had stated that it was a positive injustice to their Lordships' House to bring in a Bill of the magnitude and important character of the measure on the Table, and expect it to be passed in three or four days. He would not say more at that moment, as he had already given notice of his intention at the meeting of the House to-morrow (this day) to call their Lordships' attention to the state of public business; at the same time, he must say, that he had much rather the right rev. Prelate had postponed his Motion, as a little more time would thereby have been afforded for the discussion, at the same time, being of the same opinion with the right rev. Prelate, he could not but say "Content" to his Motion.

Motion for Adjournment of debate put.

Lord *Wharncliffe* hoped, that the right rev. Prelate would not persevere in his Motion for an adjournment of the debate, as rather than postpone the present Bill until another Session he would consent that the sitting of the House should be prolonged—their Lordships might sit on Wednesday, and even on Saturday, or, if necessary, into next week, in order to give the Bill the consideration they might deem needful. The Bill was of very great importance, and he trusted that it would be suffered to proceed that evening.

A noble *Lord*: Why not go into Committee *pro formâ?*

Lord *Wharncliffe*: With respect to the observation that the Bill had been introduced at a very late period of the Session, he regretted that circumstance as much as any of their Lordships, and could only attribute it to the pressure of business, occasioned by the numerous Bills demanding the attention of the other House wherein it originated, and also to the measure itself having taken up so much time during the discussions upon it in the Lower House. If their Lordships took the Bill into consideration, the alterations deemed necessary might be made, and it would be then passed this Session, and he begged to recall to the recollection of the House the fact that the present was the third or fourth Session that the question of amending the Poor Law Bill had been before Parliament.

Lord *Campbell* could not understand why the Bill had not been brought into that House first, as if it had begun there, the eighty-three of their Lordships, who sat as Chairmen of Boards of Guardians could then have taken care of the interests of the poor, and have introduced such modifications of the present law as would have answered all the objects effected by the present Bill. He repeated he could not comprehend why the Bill had not been begun in their Lordships' House.

Lord *Wharnciffe* suggested that the Bill contained several money Clauses, which their Lordships were not competent to originate.

Lord *Campbell*: Then why not omit the money Clauses, which were in no respect essential to the Amendments and alterations effected by the Bill

The Earl of *Shaftesbury* again put the question of adjournment, and declared the Contents to have it.

Lord *Wharncliffe*: The Non-contents have it. We want the Bill to go into Committee. I shall divide.

The Motion, for adjournment was however, withdrawn (by leave of the House) and the House went into Committee.

Lord *Wharncliffe* suggested to the Bishop of Exeter that they might go through the unobjectionable Clauses.

The Bishop of *Exeter's* objection to proceeding was simply this, that he had no time to consider the measure at all. He would not undertake to say which Clauses of the Bill were objectionable or which were not; but this he would say, that there were few of the Clauses which did not require consideration, and that a New Poor Law Amendment Bill ought to have proceeded upon a very different principle from that which formed the basis of the Bill now under discussion. At the same time, he would not say that the measure was not one to which he ought to give his support. All he said was, that he required more time to consider it.

The Preamble of the Bill was then postponed, and the House resumed.

House adjourned.

HOUSE OF COMMONS,

Monday, August 5, 1844.

MINUTES.] NEW MEMBER SWORN. — For Cirencester, Viscount Villiers.

BILLS. *Public.* — 1°. Lands Clauses Consolidation; Railway Clauses Consolidation; Companies Clauses Consolidation; Merchant Seamen's Fund.

2°. Roman Catholic Penal Acts Repeal.

3°. and passed:—Charitable Donations and Bequests (Ireland); Transfer of Property.

Private.—Reported.—Duke of Hamilton and Brandon's Estate.

3°. and passed:—Lord Cranstoun's Estate; Morton's Estate; Leeds Vicarage.

PETITIONS PRESENTED. By Mr. M. J. O'Connell, from Drumbane, against Registration Bill; and from Armagh (2), and Salford, for Repeal of the Union.—By Mr. Spooner, from Birmingham, against Roman Catholic Penal Acts Repeal Bill.—By Mr. Darby, from Hailsham, and Pevensey, against Repeal of the Corn Laws.—By Mr. M. J. O'Connell, from Ireland (160), against Charitable Bequests Bill. — By Captain Taylor, from Bishop and Clergy of Down, Connor, and Dromore, for Extension of Education (Ireland).—By Mr. Bouverie, from Greenock, for adopting Sanatory Regulations in Towns.—By Mr.

M. Philips, and Mr. Spooner, from Manchester, and Bristol, against Insolvent Debtors Bill.—By Mr. Grogan, from South Dublin Union, for Establishment of Lunatic Asylums (Ireland), respecting Report on Workhouses, and for Alteration of Law of Removing Vagrants.

Roman Catholic Penal Acts Bill.] Sir *R. Peel* had to move, that the Bill which had been sent down from the House of Lords for the repeal of the Penal Enactments against the Roman Catholics be now read a second time. He hoped that the House would throw no impediment in the way of passing the Bill, however late the period of the Session at which it was brought under their notice. Since he came into the House he perceived that a Petition had been presented by the hon. Member for Birmingham which he thought it right to notice, because it was founded on an entire misconception of the object and intention of this Bill. The Petitioners stated,—

> "That they had heard with sorrow and alarm that a Bill had been brought into the House of Lords for the repeal of certain penal enactments affecting the Roman Catholics; that they apprehended the most serious consequences were likely to result from the repeal of those enactments; that it seemed perfectly monstrous that the Legislature should, only fifteen years after the Roman Catholic Relief Bill had been agreed to, pass an Act repealing all the protective Clauses in virtue of which that Bill had been allowed to become law; and this, too, at a time when circumstances would seem rather to demand the imposition of additional restrictions than the repeal of the few which yet remain."

He (Sir R. Peel) was afraid that the same misapprehension might prevail among other parties, and therefore he wished distinctly to state that this Bill did away with no security whatever which had been taken for the Established Church by the Act passed in 1829; and he thought he could show, by an explanation of the provisions of this Bill, that the petitioners need not view it with that sorrow and alarm which they were disposed to entertain. He should be exceedingly sorry to countenance any false impressions as to the effect of the Act of 1829 for the relief of Her Majesty's Roman Catholic subjects. The intention and effect of that Bill was to place Her Majesty's Roman Catholic subjects, in respect to civil rights and franchises, upon precisely the same footing as the other subjects of Her Majesty. The Acts which this Bill proposed to repeal were, in fact, mere dead letters, encumbering, and he must say, from the spirit which pervaded them, discrediting, the Statute Book on which they stood. But they had no practical operation, so far as the Roman Catholic subjects of the Crown were concerned. These could be exempted, or at least were exempted, from the operation of them by the simple taking of an oath, to which Roman Catholics had no objection, and, therefore, he should be very sorry if, by repealing those Statutes, they were at all to weaken the effect of that great Statute of which he had spoken, in the securities it provided for the ecclesiastical institutions of the country. That Act recited in the preamble, that—

> "Whereas, by various Acts of Parliament, certain incapacities and disabilities are imposed on the Roman Catholic subjects of Her Majesty which others are not liable to, and whereas it is expedient that such incapacities and disabilities should be henceforth discontinued," &c.

That recital distinctly showed what was the intention and object of the Roman Catholic Relief Bill. Subjects of the Crown who professed that faith stood with respect to civil offices and franchise, provided they took the single oath required to be taken by that Act in lieu of the declaration against transubstantiation, and the other oaths of supremacy and allegiance, exactly on the same footing as members of the Church of England, except with regard to the office of Lord Chancellor and one or two others. They might hold property and enjoy all the other privileges of subjects, without taking any additional oath. With respect to exemption from certain forfeitures and penalties, this was the state of the law. If the Roman Catholic took the oath prescribed by the Act of 1829, he was then, by the express terms of the law, free from all disabilities, incapacities, forfeitures, and penalties, excepting those which applied to the other subjects of Her Majesty, so that he was free from all those which the ancient laws applied to acts done by Roman Catholics. The House of Lords proposed, however, to do away with certain of those ancient Statutes. The effect of them was done away with by the taking of the oath, but the House of Lords proposed that they should be abrogated and effaced from the Statute Book, and his object now was to induce the House to assent to that proposition of the House of Peers. What punishments did those

Statutes impose? One of them enacted that if any man maintained the spiritual authority of the Pope, he should be liable, for the first offence, to the forfeiture of all his goods and chattels—if he had none, to imprisonment for one year; for the second offence, to the penalties of *præmunire;* and for the third offence, to the penalties of high treason. So that if you administered to the Roman Catholic an oath which implied that he might maintain the spiritual authority of the Pope, because you called upon him to disclaim the civil and temporal authority, and yet there was a law on the Statute Book which said that if he maintained that spiritual authority, in that case, for the third offence, he should be liable to the penalties of high treason. That Statute had received a very wide interpretation in former times, for it was laid down in Hawkins's Pleas of the Crown that "he who, hearing a report of a book written abroad which upheld that opinion, or having perused the book, did afterwards, by discoursing on it, allow it to be good, was brought within the penalties of the Statute." It was also held, according to Hawkins, that if any one convicted or condemned for an offence of this nature, being afterwards demanded by the Judge whether he held the same opinion, answered that he did, he was guilty of high treason, having advisedly maintained the opinion upon a second occasion. Other Statutes provided that if a Roman Catholic did not attend the service of the Church of England once a-week, and if he did not attend Divine Service on the 5th of November, and take the Sacrament on that day, he should be liable to heavy penalties. Another Act said, if he sent his son to be educated in any of the Roman Catholic colleges abroad, and did not recall him, after proclamation made, within six months, he should be liable to the penalties of high treason; and another, that if a man not educated as a Roman Catholic from his infancy should educate his children in the Roman Catholic faith, he should be disabled from holding any office in the Church or State; and that the child so educated, unless, after arriving at years of discretion, he conformed to the Church of England, should also be disabled from holding such office. These enactments were completely at variance with the spirit and intention of the Act passed in 1829. There were other Acts passed in the reign of Willian III., which provided that if any person should suspect a person of being Roman Catholic living within ten miles of the City of London, he should be at liberty to bring him before two justices, who should administer to him the declaration against transubstantiation and call upon him to take the sacrament; if he refused, he was to be treated as a Popish recusant, and was instantly to be banished to a distance of ten miles from the City of London. Another Act provided that no person being a Popish recusant should be allowed to be absent from his home a greater distance than five miles. If any Roman Catholic should refuse to take the declaration against transubstantiation, and be in possession of a horse of greater value than *5l.*, two justices might call upon him to deliver up his horses for the use of Her Majesty. He had said enough to give a description of the general character and tenor of these Acts, all which were now inoperative; but he appealed to every man whether it was reasonable to allow any one, who felt so inclined, to invoke the sanguinary spirit of those laws for the purpose of inflicting the penalties. He did not think they were conferring any favour or privilege on the Roman Catholic body by the repeal of the Acts, but they were rescuing the Statute Book from ignominy and disgrace. If any reasonable objection had been stated to the repeal of any of the Acts, such Acts might have been retained; but as no such objection had been made, he conceived the whole might be taken to be of the same tenor and character with those which he had mentioned. He trusted he had shown that the feeling of sorrow and alarm which had been expressed by the petitioners was not called for by this Bill, which would not, in point of fact, repeal any one security existing. He knew it had been said that these laws, though dormant, still constituted some security for the Established Church. He entertained no such opinion. Some considered them to be a sort of outwork of the Church, which might be applicable in time of danger as bulwarks against Roman Catholic aggressions. They were erected, as Bacon had said, of other bad laws, upon the spur of the moment, under circumstances of great pressure, and were not now applicable, when a very different spirit prevailed. At the same time, they were likely to be seized upon by reason or ridicule, and might be converted into weapons for attacking the Established Church. They were of no other avail, for the Establishment must now be defended by arms of an entirely opposite description to those provided by the Acts in question; its force lay in the reasoning and affectionate attachment of the people. To that Establishment none were more deeply attached than himself, and he felt convinced that in getting rid of these obsolete Acts, they were parting with no one of its defences.

Mr. *Hawes* wished to know, should other obsolete statutes of a similar kind be found on the Statute Book, applicable to the same or to other denominations of Christians, and he had reason to believe that there were such, whether Government would, during the ensuing recess, prepare a measure for their repeal?

Sir *R. Peel* was in some doubt whether it would not have been better to adopt the suggestion of a noble Friend of his, and postpone the measure for the purpose of making it more extensive. He believed there were other enactments of a similar nature; but as this Bill had been sent down from the House of Lords, and as it was an indication of the spirit in which the Parliament was prepared to proceed, he hoped the measure would be passed. He very much doubted whether Dissenters were not subject to those Acts which required attendance on Divine Service according to the Church of England, and very possibly to other Acts of the same description. He would not give any pledge on the subject; but if there were any statute which now compelled a conscientious Dissenter from the Church of England, upon a heavy penalty, to attend Divine Service in that Church, he might say that he could see no object whatever in retaining it on the Statute Book.

Mr. *Monckton Milnes* remarked, that if the Government had been allowed to carry their Ecclesiastical Courts Bill, the greater part of those abuses would have been remedied by this time, but the Clause repealing them had never come under the consideration of the House.

Mr. *Spooner* said, the grounds on which the petitioners deprecated the Bill applied to the manner of its introduction, and the want of prudence by which it was marked. Had they heard the exceedingly clear statement of the right hon. Baronet at the head of the Government, they would have come to the same conclusion as that to which he had already come, that the Bill was a good one and ought to pass. They had not, however, had the means of making themselves informed of the real state of the case, and therefore they had petitioned in ignorance. The circumstance that the Bill had not been introduced by a Member of the Government, and that they had advised the postponement of the Bill, had created suspicions which were totally groundless.

The Bill was then read a second time.

CHARITABLE BEQUESTS (IRELAND).] Sir *J. Graham* moved that the Charitable Donations and Bequests (Ireland) Bill be read a third time.

Mr. *Dillon Browne* thought that Government should postpone the Bill to the next Session of Parliament. He had presented a petition from six Roman Catholic Prelates against it, which showed the feelings with which they viewed the measure, and he was fortified by the authority of the man who enjoyed the confidence of the people of Ireland in thinking that the measure would not be beneficial to the Roman Catholics of that country. Though they were glad to be relieved from the surveillance of the Court of Chancery in regard to charitable trusts, they objected to the appointment of an irresponsible and non-judicial Commission to manage them, involving, as they did, considerations connected with the doctrine and discipline of the Roman Catholic Church. The people of Ireland were afraid that no Roman Catholics would be appointed Commissioners, excepting such as would be subservient to the Ministry of the day. The Irish Members had neither given this Bill a manly support nor a manly opposition, and would have to account to their constituents for not having opposed it in a more determined manner. It was the first step towards making the Roman Catholic Church an appendage to the State. He must, therefore, move that the Bill be read a third time on that day three months.

No one seconded the Amendment. Bill read a third time.

On the question that it do pass,

Mr. *M. J. O'Connell* said, he had hesitated to join in the opposition to this Bill, because he felt that if imperfect, it would be amended hereafter. He was bound to express his conviction that when the present heats had subsided, the Bill would be found a substantial benefit to the people of Ireland, raising the condition of their clergymen, without shackling the influence exercised by them over their flocks. He did not think the apprehensions expressed on the subject were at all borne out by the shape in which the Bill now stood.

Bill passed.

COURT-MARTIAL ON LIEUTENANT GRAY.] Captain *Pechell* had seen a Report that a Court-Martial had been held upon Lieutenant Gray for having, while in command of the Brig *Bonetta*, upon the coast of Africa, searched and detained a vessel under French colours, and that that officer had been convicted by the Court-Martial for having so boarded and detained the vessel, he not having had a warrant from the French Government. He wished to ask the hon. Gentleman, the Secretary for the Admiralty, whether that Report were true, and whether the charges had been made by the Admiralty, by the Foreign Office, or by any Foreign Government?

Mr. *S. Herbert* stated, that it was perfectly true that this officer had been brought to a Court-Martial for boarding, and subsequently for searching a French vessel, he not being at the time in possession of a warrant from the French Government. The charges had been drawn up by the Admiralty in the usual course of business, and no foreign Government had anything to do with the matter. The principal charge was for disobedience of orders, and the result of the Court-Martial was now before the public.

CONSOLIDATION BILLS—VIZ., LANDS CLAUSES; RAILWAY CLAUSES; COMPANIES CLAUSES.] Mr. *Gladstone* rose to move for leave to bring in three Bills, notice of which he had given, for the consolidation of the provisions usually introduced into Acts for incorporating Companies for carrying on undertakings of a public nature. The proceeding, was founded generally upon the recommendation of the Select Committee upon Railways, but, at the same time, it went beyond that recommendation, because their functions being confined to Railways, the recommendation they had made that the great mass of the provisions now comprised in Railway Bills should be comprehended within one general and single enactment, had reference to Railroad Bills only. The Government, however, had thought it advisable to apply the principle to Private Bills of other kinds. The advantages he expected to gain by this proceeding would be these. In the first place there would be a greater degree of certainty and uniformity attached to the general form of the law upon these subjects, which would be rendered more accessible and intelligible to the public when the great mass of provisions now scattered over various Acts were concentrated in a single Bill, and made applicable to all Companies, than it could be now when comprised in so many Local and Personal Statutes. The provisions were not now under the eye of the public, as they would be if comprehended in a general Act as proposed. That was one of the advantages expected to be derived. Upon the other hand, it would be no inconsiderable relief to parties promoting Bills, that they should be enabled to shorten them. He had learned, almost with surprise, from his hon. Friend the Chairman of the Committee of Ways and Means, the heavy charges that were attached to private Bills when the enactments were numerous. The charge for engrossing alone would surprise many hon. Gentlemen, and that did not arise from any extravagance, or from high rates of payment, but from the enormous masses which had to be submitted to this manual process. Of course he did not propose that the Bills should be passed into law during the present Session. The Government, however, thought it was desirable to have them printed during the present Session, so that the attention of the parties, Parliamentary Agents, and others interested in these Bills, might be drawn to them. The advantage of these measures would be that Private Bills, instead of consisting of 300 or 400 Clauses, would be reduced to a moderate number of intelligible ones. He ought to say that, whether difficulties should arise or not in the way of framing the Bills, so as to be available next Session, care must be taken that the private business should on no account be impeded or delayed. He would now state what those Bills contained. The three Bills he proposed to lay on the Table of the House comprised the whole of the Model Bill drawn up by the Committee, as regarded its substantial enactments. But it had been deemed advisable to break up the subject matter of it into three parts, because it had reference to three classes of undertakings. The first Bill he proposed was a Bill which would apply, when it became a general Act, to all private Bills that might be introduced into the House for the purpose of incorporating Trading Companies. In the second Bill he intended to include all those provisions with respect to Companies not merely seeking to be incorporated, but requiring compulsory powers to purchase and hold lands. This Bill would include Railway, Harbour, Canal, Gas, and Water Bills, which require compulsory powers. With regard to the third Bill, that would be still more restrictive in the range of Private Bills to which it would be applicable. This Bill would specifically correspond with the recommendation of the Railway Committee. It would be applicable in its provisions to Railway Bills, in respect to those features which belonged to them exclusively, and not in common with other Bills for the execution of Public Works. Having described the general purview of those Bills, he had to say that in the first Bill he did not mean to propose anything worth mentioning, except what was already in the Model Bill. In the second Bill he proposed to introduce an enactment which had been frequently recommended to Government, namely, an exceptional provision relative to the compensation for lands by reference to a jury. He proposed that where the value of the land in question was not more than a certain amount, say, for example, 1,000*l.*, the parties might have the option of settling the question by arbitration. He did not take it from the jury as a matter of course, but it would be optional for either of the parties to remove it from a jury, and refer it to another tribunal which would be less expensive. The proposition had often been made both by Railway Companies and Landed Proprietors, that they should be allowed to submit small valuations to arbitration. He, therefore, proposed to insert in the Bill a proposition to this effect. In the third Bill he proposed to add a second proposition, giving a discretionary power to the Government and the Board of Trade, of allowing certain deviations in engineering works from the prescribed models, in cases where it was proved this could be done with increased advantage to the public, and without any detriment to private rights. Another very important matter he proposed to include, was a general provision with regard to what was called the equal rates Clause. At present there was not a perfect uniformity of privilege as between the different Railway Companies as to the power of varying their charges. Some Companies had no power of varying the rates of their fares at all; others had the power to do so, provided the rate was made uniform throughout the whole of the Company's line. That Clause was now subject to some ambiguity. They could not devise a Clause that should exactly define the rate in all cases, but it was obviously a subject of great importance and great difficulty. Sometimes it was for the interest of the public that there should be a power of varying the rates. At present, in some cases it might be varied, but only to a rate that should be equal and uniform all along the line, though it might be more advantageous to have a lower rate along one part of the line than along another. He therefore proposed to insert a Clause giving power to make these variations with those exceptions and reservations in cases which experience had shown ought to be so limited. The power as it existed had sometimes been exercised in a manner oppressive to the public, especially as regarded carriers. He proposed to insert in this general Bill, powers of varying the charge, subject to exceptions and restrictions in all cases in which it was practicable to see, from present experience, that such variations should be limited. He proposed, for example, that any Railroad Company acting under this Act should not be able to vary charges simply in respect to the quantity of goods conveyed. Again, he proposed that there should be no power to vary charges upon goods in respect of any difference in the manner of conveying those goods beyond the line of the Company itself. The right hon. Gentleman concluded by moving for leave to bring in a " Bill for consolidating in one Act certain provisions usually inserted in Acts of Parliament with respect to the constitution of incorporated Companies for carrying on undertakings of a public nature."

Leave given.

Leave also given to bring in a Bill for consolidating in one Act certain provisions usually inserted in Acts of Parliament, authorising the taking of land for undertakings of a public nature.

And also to bring in a Bill for consolidating in one Act certain provisions usually inserted in Acts of Parliament authorising the making of Railways.

MERCHANT SEAMEN'S FUND.] House in Committee on the Merchant Seamen's Fund Acts, when,

Mr. *Gladstone* rose to move a resolution that the Chairman be directed to move for leave to bring in a Bill to amend the law relating to the Relief and Support, in certain cases, of Merchant Seamen, their Widows and Children. The Bill which he wished to bring in, affected the interests and prospects of a class of men which that House, as well as the whole country, regarded with feelings of great interest—he meant the Merchant Seamen of this country, a class who were the least disposed to complain. They were, it was true, dissatisfied with the state of the Seamen's Fund, but his only surprise was, that they were not a hundred times more dissatisfied. They did not object to the compulsory payment of a tax out of their wages, but they wished to see the fund raised by that means placed on a more satisfactory footing. Although the Report of the Committee on this subject had not yet been laid on the Table of the House, he hoped the House would give him so much of their confidence as to allow him to introduce a Bill which should embrace those alterations in the law that were deemed necessary, in order that they might be taken into consideration, both by hon. Members of the House, and by the parties interested during the space of time that would elapse between this and the ensuing Session. The right hon. Gentleman stated the provisions of the Bill, and concluded by moving his Resolution.

Mr. *Labouchere* had heard the statement with satisfaction, and hoped that in the next Session the important question would be finally settled. He earnestly recommended the right hon. Gentleman during the recess to turn his attention to another question connected with the marine requiring legislation: he alluded to pilotage dues. He admitted that the question was involved in difficulties, not merely from its complication, but from the adverse interests concerned; but he trusted that the sagacity of the right hon. Gentleman would overcome the first, and that his power and influence would reconcile the last. If this object were accomplished an important benefit would be conferred on the shipping and commercial interests.

Resolution agreed to. House resumed, Report received, and Bill ordered to be brought in.

The House adjourned at seven o'clock.

HOUSE OF LORDS,

Tuesday, August 6, 1844.

MINUTES.] BILLS. *Public.*—2ª· Arms (Ireland).

Reported.—South Sea Company; Merchant Seamen.

3ª· and passed:—Slaughtering Horses; Tralee Navigation and Harbour; Salmon Fisheries (Scotland); Piccadilly Improvement; Spirits (Ireland); Woods and Forests Accounts; Grand Canal (Ireland); Controverted Elections; Joint Stock Banks Regulation; Savings' Banks.

Received the Royal Assent.—Three-and-a-Half per Cents. Dissentients; Ecclesiastical Jurisdictions; Debtors and Creditors; Militia Pay; Aliens; Clerk of the Crown in Chancery; Privy Council Appellate Jurisdiction Act Amendment; New South Wales, etc. Government; Trafalgar Square; Detatched Parts of Counties; Land Tax Commissioners Names; Farm Buildings; Transfer of Licenses (Post Horses); Duchy of Cornwall Lands; Criminal Justice (Middlesex); Customs (New South Wales); Books and Engravings; Transfer of Property; Unlawful Oaths (Ireland); Party Processions (Ireland).

Private.—*Reported.*—Middle Level Drainage and Navigation.

3ª· and passed:—Paisley General Gas.

Received the Royal Assent.—Great Southern and Western Railway (Ireland); Monkland Railways (Wishaw and Coltness Railway); North Wales Mineral Railway; London and Croydon Railway; Ayr Bridge; Swansea Improvement; Kingston-upon-Hull Docks; Rochdale Improvement; Ventnor Improvement; Willenhall Chapel (Fisher's) Estate; Hitchin's (or Peach's) Estate; Ramsden's Estate; Passingham's Estate; W. H. B. Jordan Wilson's Estate; Harris's Estate; Lady Le Despencer's Estate; Ladbroke's Estate; Bowyer's Estate; Sir George Gervis's (or Pemberton's) Estate; Lord Lovat's Estate; Devayne's Estate; Bishop of London's Estate; Morton's Estate; Lord Cranstoun's Estate; Werrington, etc. Curacy (or Hele's) Estate; Bishop of Down, Connor, and Dromore's Estate; Cheape's Divorce (India); Hough's Divorce (India).

PETITIONS PRESENTED. From Kent Law Society, against Poor Law Amendment Bill.—By Lord Normanby, from Presbyterian Congregation of Mount Zion Chapel, Jamaica, for Reducing the Duty upon British Colonial Sugar.

HER MAJESTY'S ACCOUCHEMENT.] The Duke of *Wellington* rose and said: I am sure your Lordships have participated in the joy of the public upon the occurrence of this day, and that you must be anxious to avail yourselves of the earliest opportunity to express your congratulations to Her Majesty for Her safety, and upon the joyful event. I therefore move, in conformity with the usual practice, and without giving notice—

"That a humble Address be presented to Her Majesty, to congratulate Her Majesty on the Birth of another Prince, and to assure Her Majesty that every Increase of Her illustrious

Family, and every Addition to Her Majesty's domestic Happiness, afford the most unfeigned Joy and Satisfaction to the House of Lords."

Lord *Melbourne*: I beg leave my Lords to second that Motion.

Carried unanimously.

The Duke of *Wellington*: I beg leave to move that the Address be presented by the Lords with White Staves.

Agreed to.

SERVIA.] Lord *Beaumont* repeated a question which he had put on a former evening, as to the restoration of two Ministers by the Porte, on an assumed understanding with Prince Alexander Georgeowitch.

The Earl of *Aberdeen* in answer to the question of the noble Lord, wished to state that he had no knowledge whatever of any such engagement as that referred to by the noble Lord, nor had he any reason to know or to believe that any such promise had been made as the noble Lord had mentioned. But though he had no knowledge or belief of any such engagements, it might be satisfactory to the noble Lord to learn, that, from a recent communication received from Her Majesty's Minister at the Court of St. Petersburg, the Imperial Government had no objection whatever to the return of the two Ministers referred to.

Lord *Beaumont* was perfectly satisfied with the answer of the noble Earl. He must have been misled by his information.

COURT MARTIAL ON LIEUTENANT GRAY.] The Earl of *Minto* asked whether the court-martial which had recently been held on Lieutenant Gray had been held in consequence of any representations made to the Government by any Foreign Power, or whether that proceeding had been adopted by the exclusive directions of the Admiralty in carrying out their own views on this subject.

The Earl of *Haddington* said, the court-martial had been ordered in consequence of communications made in certain correspondence to the Foreign Office as to the conduct of the officer whose name had been mentioned.

The Earl of *Aberdeen* wished to add to the answer given by his noble Friend, that although the court-martial had taken place in consequence of the representations of a Foreign Government, yet no Foreign Government had ever suggested any such proceedings. The French Government complained of the violation of the Treaty, and of the Right of Search, a French ship having been searched without warrants; and, on that being reported in the proper department, the Admiralty had thought proper to institute an inquiry into the facts of the case, and the result was the proceedings that had taken place.

The Earl of *Minto* said, there could be no doubt if a grave complaint was made by a Foreign Government against a British naval officer, and the Admiralty considered the circumstanstances justified an inquiry by court-martial, they would be quite right in instituting it. In this case, what he was anxious to know was, whether the proceeding had taken place in consequence of the complaints made by the Foreign Government, or whether it had originated solely from the view taken by the Admiralty of the circumstances reported to them? For his own part, he saw no such irregularity in the circumstances complained of as to call for an inquiry by court-martial on a charge so serious as that on which this officer had been put on his trial. He would make no observation as to the proceedings which had taken place in regard to the sentence.

The Earl of *Haddington*: Every irregularity ought to be tried by a court-martial.

The Earl of *Minto* thought courts-martial were sometimes resorted to on light occasions, but he would not further enter upon the point. There was one other question he wished to put to the noble Earl—whether the senior Captain at the port at which the investigation took place, Captain Burgoyne, was a member of the court-martial?

The Earl of *Haddington* had not read the minutes of the court-martial, and therefore was not prepared to answer the noble Earl's question. If the noble Earl wished for any information as to the proceedings of the court-martial, he had better give notice of a question for a future day. As to the noble Earl's previous question, he had only to say that on the face of the papers presented to Government from a Foreign Power, the Admiralty considered that a case for a court-martial was made out.

Subject at an end.

BUSINESS OF THE SESSION.] The Marquess of *Normanby* said, he would take the opportunity of the Motion for reading the Order of the Day, to call their Lordships' attention to the subject of which he had given notice on the previous evening. In using the words, "call attention," he might possibly have employed an erroneous phrase, for looking at what had passed that evening and the previous night, he felt sure that not one of their Lordships who entertained a conscientious feeling as to the discharge of his legislative duties, could feel other than ashamed of the manner in which, from some cause or other, within the last few days—he would not say their legislative faculties had been called into action, but their machinery for law making had been brought into play. Since he had given the notice last night, he, having remained until an early hour that morning, when most of their Lordships had left the House, had seen several important Bills passed through those stages in which it was usually considered they received the most deliberation, and when the greatest number of alterations were made, with a degree of rapidity and inattention which could scarcely be imagined by those who had not witnessed it. Many measures—not less, he believed, than ten—had passed through the Committee in less than as many minutes, his noble Friend (Lord Shaftesbury), who usually officiated as Chairman of Committees, merely informing the House that each had a title and a preamble. While these proceedings were going on, having been absent from the House for the last two or three days, he was not aware whether or not the subject matter of those Bills had been before explained to their Lordships. He naturally concluded that it had, but on inquiring of some of his noble Friends near him, he discovered that the subject matter of those various measures had not been opened to their Lordships at all. He remembered very well in former years a noble and learned Friend of his, not now in his place, used to insist—and properly insist, as he (Lord Normanby) was quite prepared to admit, that his noble Friend (Lord Besborough) who at that time took charge of the Government measures in that House, should take a different course, and that the subject matter of every Bill should be opened and its principles explained on the second reading. That practice, however, appeared now to have become obsolete. He did not by any means wish it to be supposed that he complained of the rapidity with which his noble Friend (the Earl of Shaftesbury) disposed of the numerous Bills in Committee; on the contrary, he thought his noble Friend, supposing the object to be to avoid all consideration and discussion, displayed a very laudable activity, and deserved much credit for the effectual means he had adopted to prevent any *humbug* on the matter. It might be said that this hurry at the close of the Session was to a certain extent necessary. He admitted that it was so to this extent, that the business of the country pressed hard upon both Houses of Parliament during the last few weeks of the Session, and that they were then obliged to smuggle through Bills without discussion, in consequence of neglect in the early part of the year. But if he looked back to former Sessions, he found some reason for this pressure of business as the Session drew to a close; for he found that, with very few exceptions, some important measure or measures, involving much consideration — some great discussions involving large and important interests had previously engaged the attention of both that and the other House. But when he looked at the proceedings of the present Session, he had to ask what had been done—what measures had been passed — what great interests had been conciliated — what constitutional bulwark had been strengthened — what salutary reform had been introduced, or what in the whole results of the Session was he to look to, to account for the manner in which these numerous Bills were now, in the month of August, to be forced upon their attention? He would make a few observations as to the two Bills which had first drawn his attention to this subject, and compelled him to trouble their Lordships on that occasion. The first of these Bills was the Poor Law Amendment Bill, and the other the Metropolitan Buildings Bill, which their Lordships had passed on the preceding evening. Now as to the Poor Law Bill, they had heard from every noble Lord who took part in the discussion on going into Committee (most of whom, he was sorry to see, were not now present), that it was a measure of very great consequence, and the noble Lord by whom it had been introduced to their Lordships' notice had stated that it was a Bill that was looked upon with great interest and anxiety, and excited the sympathies of the country generally. It had been also said that strong and unjust prejudices existed in many quarters against the measure, while, on the other hand, it was asserted that many of these prejudices and objections were well founded. Place the matter, however, in the most favourable point of view, he would put it to their Lordships whether, in a measure such as this, it was not desirable that their Lordships' deliberations should be backed by public opinion; and whether it was possible that that could be the case when they looked at the circumstances under which they were now called upon to pass that measure at almost a few hours' notice? The noble Lord opposite (Lord Hardwicke) had said that their Lordships' House was the Assembly best calculated to discuss with advantage the provisions of a Poor Law Bill—and why? Because amongst its Members there were no less than eighty-three Chairmen of Boards of Guardians. This circumstance in his opinion, formed one of the strongest reasons for the attendance of those noble Lords during its progress here; but he should like to know how many of those eighty-three peers had been in attendance at the discussion of the previous evening, or when the noble Lord opposite (Lord Wharncliffe) first introduced the measure, and made his statement upon it? When this important measure, containing, as he was disposed to think, many improvements, at all events many very material alterations in the present law, was introduced to their Lordships at ten o'clock at night, how many of those peers who were Chairmen of Boards of Guardians, and therefore best qualified to give an opinion as to the working of the law, and as to any Bill brought in for its improvement, were present? It might, perhaps, be as well that they were not, but they must deal with a legislative assembly as they found it; and if it was thought that a good attendance of Members was necessary to consider measures of great importance with that effect which they deserved, it was surely the duty of the Government to introduce them when the attendance of Members in both Houses was fullest. So much for the Poor Law Bill; and now as to the Metropolitan Buildings Bill. He did not complain personally of the circumstance in this case, but it did so happen that though, perhaps with the exception of the noble Lord at the Table, no Member of this House was more regular in his attendance there than he (Lord Normanby) was; he was nevertheless absent on an annual engagement with a noble Friend of his, of which he was not ashamed, at that particular time when the Bill was introduced to this House, and in these two or three days hurried through all its stages. But what had been the case with regard to this particular measure? So long ago as the 11th of June he had spoken to his noble Friend opposite upon the subject, and had then stated to his noble Friend that the Bill had been before the House of Commons three months, and yet no progress had been made in it, and had requested him to urge upon his Colleagues in office the importance of its being sent up to their Lordships sufficiently early in the Session to enable them to consider it fully, for though he (the Marquess of Normanby) fully approved of its principle, and many of its details, still there were several of its provisions to which he entertained decided objections. He had thought it better that some general regulation as to buildings should be passed, and that they should not trust to partial legislation, and he was anxious that their Lordships should have an opportunity of considering the subject fully. Now, was the objection he had so urged upon his noble Friend a captious one? Were there not many and grave objections to the measure as it stood? The noble Duke (the Duke of Buccleuch) the other night had said, on moving the second reading of the Bill, that there was very valuable information in the Report of the Sanatary Commission, on which it was founded; but what would their Lordships think, when they were told that this Bill, introduced in the last week of July, and passed in the first week of August, proceeded in direct opposition to the recommendations of the Commission, of which the noble Duke was President? The great and material provision in this Bill was that relating to party walls; but what said the evidence before the Commission on that subject? That it was the least important, and, at the same time the most expensive of any alteration that could be made in regard to dwelling houses. Mr. Austin and Mr. Boden, he believed, stated in their evidence that the improvement in regard to party walls would add 16*s.* a-year upon every house in Manchester, while 5*s.* a-year would provide effectually for the improvement suggested, in regard to water and drainage. Yet his noble Friend called upon their Lordships to pass a Bill without consideration, and in a few days after its introduction, upon a subject intimately connected with the health of the people in every great town in this country, the provisions of which were in direct violation of the Report of the Commission upon which it was understood to be founded. Then their Lordships would naturally ask, was this Bill ever submitted to the Members of that Commission, and, if so, how was it that they now discouraged and discredited all the advice and recommendation which were given in their own Report? On this point, however, no explanation had been given, but all that their Lordships knew of the matter was that the Bill first appeared before them at the end of the month of July, and that at the beginning of August they were required to pass it. But what had they been doing during the previous five and a half months of the Session, that the Bill had not come up to their Lordships before? Where could Her Majesty's Government refer for the measures which had occupied their attention during that time? Two that had been passed with regard to England, and one in regard to Ireland, to which he should presently refer, was the full amount of their legislative business down to the month of July. One of these measures had been brought in by the noble and learned Lord on the Woolsack (the Lord Chancellor), a measure which did that noble and learned Lord great credit—the Dissenters Chapels Bill. He was aware that he differed from some of his noble Friends on this subject; but he was anxious to give the noble and learned Lord his best thanks for the introduction of this Bill, and also for the manner in which he had presented it to their Lordships' attention. There was also another Bill, which the same noble and learned Lord had brought in, for which he could not accord to him and his Colleagues in the Government the same credit as he gave them for the Dissenters Chapels Bill—he meant the Ecclesiastical Courts Bill. What was the history of that measure? His noble and learned Friend stated when he brought it in, that the measure was not what it ought to be—neither was it what he himself desired it to be, or what the Report of the Ecclesiastical Commissioners led their Lordships to expect it would be, but that it had nevertheless one merit which he hoped would entitle it to be received with favour by the House, and that was, that they might safely calculate upon its success. But where was the Bill now? Where was that success which had induced their Lordships to sacrifice that principle for which, in regard to that measure, they had all along contended? These were the only two attempts even at legislation their Lordships had made at the instigation of the Government, and with the exception of the measure connected with Ireland, to which he should presently refer, these were the only two bills which had varied in any way the inanimate vacuity of the last five and a half months. When the Speech from the Throne was delivered, at the beginning of the Session, it was the general opinion that it contained less than any previous document of the same kind, and promised but little future legislation; but it was also thought that those who had framed that Speech knew well what they would be enabled to do, and that though they promised little, there was every reason to hope and expect that that little would be performed. But what was the fact? One measure, and one only, to which any allusion was made in the Queen's Speech had passed. He alluded to the measure with respect to the Bank Charter; and in regard to that question their Lordships had concurred with the House of Commons in determining in what proportion the capital of the country should be convertible into currency. Upon that measure it was not for him then to give any opinion; but many persons much better qualified than he was to form a correct judgment upon it, had pronounced it to be a most hazardous experiment. For himself, he believed it was good in principle, but he could not utterly disregard the opinions of better informed persons, and he, consequently looked upon the result with some apprehension. But the most precise direct promise in the Royal Speech was in reference to Ireland; but before he came to that promise, and to the inquiry how far it had been carried out, he would refer their Lordships to the only measure affecting any material change in that country, or calculated to give satisfaction and peace to its people, which had passed their Lordship's House, and for that measure he was also grateful to the Government; and not only was he grateful for the introduction of the Bill, but also for the alterations which had been subsequently made in it. He referred to the Charitable Bequests Bill, in which very great and important concessions had been made. As he had said, he fully approved, of that Bill. But under what circumstances had it originated? In any comprehensive view, on the part of the Government, of what was due to Ireland? No such thing; but from the circumstance of a charitable and worthy Protestant clergyman in Ireland, who had exposed himself to much obloquy with the party in power in that country, in consequence of laying before their Lordships, not claims of his own, but the claims of his poor Catholic fellow parishioners to 7*l.* 10*s.* a year. [A motion of dissent from the Lord Chancellor]. The noble and learned Lord shook his head, but he would not say that any alteration in the law would have been made but for that circumstance. [The *Lord Chancellor:* I beg your pardon, you are quite in error.] He (the Marquess of Normanby) was sure neither he nor any of their Lordships had any expectation that any such measures would have been introduced by the Government, for no such intimation had been held out in the Queen's Speech, or when the subject had been brought under the notice of the Government at the beginning of the Session. There was, however, one specific measure promised in that Speech, in reference to Ireland; and, in the paragraph of the Speech that alluded to it, it was stated:—

> "I recommend to your early Consideration the Enactments at present in force in *Ireland* concerning the Registration of Voters for Members of Parliament.
>
> "You will probably find that a Revision of the Law of Registration, taken in conjunction with other Causes at present in operation, would produce a material Diminution of the Number of County Voters, and that it may be advisable on that Account to consider the State of the Law with a view to an Extension of the County Franchise in *Ireland*."

And certainly it was only natural that the Government should recommend this important subject to the early attention of Parliament. And why? Because four years had passed since they had forced it on the attention of Parliament. During the previous Administration they had taken the subject into their own hands, and had urged that no delay ought to take place in legislating upon it. After three years of power, therefore, it was natural that such a sentence should have been put into Her Majesty's Speech. But what had been the result? A Registration Bill for Ireland had been brought in by the Government, and withdrawn—and properly so, as the measure was one in no way calculated to give satisfaction or improve the law. But that it was prepared in such a manner, showed a degree of ignorance on the part of the Government as to what was calculated to give satisfaction to Ireland, and what was not, that was highly reprehensible. On a previous occasion he had alluded to the Landlord and Tenant Commission—a subject which had also been referred to in the Queen's Speech, and nothing that had since occurred had altered the view he had then taken in regard to that Commission. He had looked upon the appointment of that Commission from the first as a measure that was calculated to excite delusive expectations, and he had also considered that it was not necessary for the Government to adopt that means of obtaining information upon the subjects with which they were anxious to deal. Had they no other information at their command? Within the last three or four months they had had a publication containing valuable, but at the same time most alarming, statistical information as to the condition of the Irish people, viz., the Report of the Census Commissioners. That Commission divided the dwellings in which the population of Ireland lived into four classes. The lowest consisted of mud cabins with one room; the second, mud cabins with two rooms; the third class were small stone houses—farm houses in some cases; and all above that were placed in the first class. And what was the social condition of Ireland in respect to dwellings, as exhibited by this Return? In the rural districts 1¼ per cent. only of the population inhabited the first class houses, 13 per cent. the second class, 40 per cent. the third class, and 43 per cent. lived in the fourth class houses; that was, mud cabins with one room only; so that in point of fact, 83 out of every 100 had no better dwellings than mud cabins. In the civic districts the case was somewhat better, but even there only 7 per cent. of the people lived in houses of the first class. The Commissioners further stated that 40 per cent. of the population of the rural districts had farms averaging only from one to five acres each, and 7 per cent. only had farms exceeding 30 acres, while two-thirds of the whole population lived upon the produce of their labour—by which they mean mere manual as distinguished from skilled labour; for the Commissioners expressly stated that they had not included in this estimate skilled artisans; but they say that 43 per cent. of the people subsist wholly by mere common rural labour. It appeared from the same Report that the ignorance prevailing amongst this population was not so great as their Lordships might be led to believe from their very depressed circumstances; for though there was a large per centage of the whole labouring population who could neither read or write, it still appeared that there was a greater degree of knowledge existing amongst the population of Ireland than was to be found in some districts of England. The ignorance that prevailed in the lowest districts of Ireland was exceeded by the ignorance prevailing in some of the districts of this country. He did not accuse those who proposed the Commission of having meant to evade the consideration of the subject; but delay was sometimes sought for the purpose of enquiry, enquiry sometimes for the purpose of delay. But to return to the subject. The small amount of business which had been transacted—when they looked to see how little had been done on the subject of legislation in the present Session, he thought he could anticipate the staple retort—the *tu quoque* reasoning—which would doubtless be employed in reply, that it would be said that in former Sessions the same complaints precisely had been made. But he was prepared to show that these complaints had not been made with equal justice. When his noble Friend near him was at the head of the Government he had but a small majority in the other House, and there was a positive majority against him in this. At that time noble Lords opposite had the remedy in their own hands, and the noble Lord on the Woolsack was in the custom of bringing down the forces that he had at his command to render nugatory the measures he disliked, and to defeat the Bills that he did not approve of. But was the noble and learned Lord content with doing that alone? Had they heard no other objection from the noble and learned Lord except his disapproval of the principles of the measures submitted to them? Was there not also another objection urged by him—the time of the Session at which such Bills were proposed? "How," the noble and learned Lord said, "how can we examine these Bills? How can we have time to consider them, when a fitting opportunity has not been given for deliberation upon them." He did say that such an attack was formerly made upon the then Government. And then, remembering that, he bade them look at the proceedings of the last few days—he bade them consider what had been done in that time, and how the whole legislation of a Session was brought up and heaped upon them within the last fortnight. He did not say that this showed general mismanagement on the part of the Government; but if the present Government, with its great majorities, were driven to such a course, it certainly proved great mismanagement somewhere. He did not mean to affirm that there were not difficulties to be contended against. Such there must be with every Government in this country—such there must always be with a popular Assembly like the House of Commons. He admitted that with such there must at times be a difficulty in passing Bills; but then that difficulty could not afford a palliation for what had occurred; for, if they looked to the Votes of the other House, they would see how often that House had been counted out, how much of time had been thus wasted, how many days had been thus lost, every one of which would, if devoted to legislation, have been most valuable to their Lordships. It might have been accident; but then, if it were, the accident had occurred upon some occasions when Notices of Motions were on the Books of the House of Commons, that it might have been inconvenient to Her Majesty's Government to have discussed—at least, this might be affirmed: that when Her Majesty's Government boasted of having such a commanding majority in the other House of Parliament, they might, at least, have availed themselves of the forces under their control, to have prevented the delays, the unnecessary delays in legislation. In moving, then, for the Returns, of which he had given notice, he must say, that he was induced to do so, because he thought their Lordships were worthy of much better things, than being converted into such a mere mechanical machine of legislation, as they seemed solely to have been used for the last few days. Bills had been submitted to their Lordships, without a single word in explanation being vouchsafed; and if his noble Friend opposite, who managed the Government business in that House, was not able to give details of some of the measures that were proposed, and was found incapable of answering questions put to him with respect to a few of them—if his noble Friend could not do this, if he had not time to make himself master of the details of the question he is to propose for your consideration, how, he asked, was it possible for their Lordships to make themselves acquainted with them? A Bill had, as he understood, on the night preceding, for he was not present at the moment, passed through Committee, without one single word been said with respect to it.

Lord *Wharncliffe* observed, that he had stated the objects of the Bill.

The Marquess of *Normanby* continued.

He deemed it right to call attention to this subject, as the evil was one that ought to be pointed out, and he believed was capable of being corrected. He wished that, when Bills were sent up from the other House of Parliament, they should come not in such a manner as would try the patience, but almost defy the comprehension of their Lordships. He was sure that in thus putting the case, he was but doing justice to the feelings of their Lordships; for there was not one of them who must not desire anxiously, faithfully, and entirely, to perform their duties, whilst at this moment it was impossible for them to do so. In the hope, then, of thus attracting their notice to this subject, he should conclude, by moving—

"That the Clerk Assistant do prepare and lay on the Table of the House, a Return of the Number of Days in each Month which this House has sat, the Days on which the several Public Bills came from the Commons, and the Days on which they passed their several Stages in this House during the present Session."

The Duke of *Wellington* said, that the noble Marquess had, if he saw fit, a perfect right to refer to the state of public business, and to complain as to the manner in which it was disposed of in that House, and that proper attention was not paid to it. Now, he must say, that he was not aware that there was any inattention to the public business on the part of any noble Peer who represented the Government in that House. He knew that neither he himself, nor his noble Friend the President of the Council, nor the Vice-President of the Board of Trade, nor the Head of the Board of Control, were inattentive to the discharge of the duties that devolved upon them. Each of them attended to the immediate duties, and to the particular measures that belonged to them; and there was not any measure introduced into the other House of Parliament, of the subject of which either he, or some other Member of Her Majesty's Government, did not make himself master, and come prepared to answer any question that might be put to them there respecting it. It was certainly true, that it was not the invariable practice to open every subject in detail in that House; but it was the invariable practice to do so whenever the subject related to any matter that was considered of importance. There was no Bill presented to that House on which noble Lords might not receive every information that they required; and there was no disposition on the part of Government to withhold any information they could afford. Further than this, he would say, that the business of Government in that House was done in a regular manner; the noble Lords connected with Government attended regularly; and for himself he could say, he attended them at the regular periods of the House meeting, until the regular period for its adjournment. He was always prepared to answer questions that might come under their consideration, whenever noble Lords might seek for information on any subject. He had to observe, too, that he took care to keep copies of every petition that required attention from any department of the Government of which there was no Member present in that House. He really then did not know what the noble Lord wished to complain of with respect to the conduct of Her Majesty's Government in that House of Parliament. It was quite true, no doubt, that he (the noble Duke) was not in the House last night, when a particular subject came under consideration. He had been there from five o'clock to eleven; and then, as he understood that no measure was to come under consideration except the Poor Law, which his noble Friend (Lord Wharncliffe) undertook the charge of, he had thought himself at liberty to leave, and had left accordingly. But, then, the noble Lord ought to recollect, that yesterday evening there were other matters of importance before the House—that the Poor Law Bill had been on the Notice Paper a considerable time, and that it was known it was to be taken into consideration on that night, and that it was to be brought forward when it came in its turn on the paper. His noble Friend was in his place, and ready to move the Bill, when the opportunity for moving it was afforded to him; but then the noble Earl opposite had given notice of another very important subject for discussion; and consequently, he did not think it quite fair to blame the Government for the measure being brought forward at a late hour, when other noble Lords were discussing other subjects. The other was a very pressing subject for discussion; but then he begged that the Government might not be blamed for bringing these measures forward at a late hour, when the early part of the evening was occupied with the discussion of other measures. He did not mean to follow the noble Lord through his review of the measures that had been before Parliament during the Session. He must say, that a considerable time in both Houses of Parliament had been employed in discussing subjects, which hon. Gentlemen and noble Lords thought to be important, and which certainly did deserve consideration from the House and the public; but he only begged to say, that it must not be supposed that the Government was the cause of the loss of time, or that they had caused the House to be counted out, or the time of the Session be misapplied, if the noble Lord chose to say that the time of the House had been misapplied. As to that House, his noble Friend and other noble Lords had introduced as many measures as, according to the usual forms of Parliament, they could introduce, or that they had any prospect of carrying through. As long as he had been in Parliament, there had always been some complaint as to the number of Bills originating in the House of Lords; and this was a state of things that could not be helped, as long as the present arrangement of both Houses continued what it was, and what it had been for more than 150 years. There was, however, one Bill which the noble Marquess had said was not originally a Government measure—that was the Charitable Bequests (Ireland) Bill. He begged the noble Lord's pardon—it was a measure that was deemed necessary by Her Majesty's Government. It was desired, early in the Session, that there should be a measure to enable persons to endow the Clergy of the Roman Catholic persuasion in Ireland: that measure rendered necessary the other measure to which the noble Lord referred. As to the other measure, the Ecclesiastical Courts Bill, it was true that they met a difficulty with respect to it in the other House of Parliament; but for these difficulties, no man in that House could be responsible, and he doubted whether any man in the other House could be responsible either, for if the noble Marquess would inquire, he might find that it would be impossible to state with exactitude what course would be taken in the other House with respect to any measure that might be presented to it. He had no objection to offer to the Returns or the information sought for by the noble Lord; but he must defend noble Lords and himself from the charge of neglect. He assured the noble Lord, that upon every measure they were prepared to give all the information of which they were capable, whether the measure was brought forward in that House, or was introduced into the other House of Parliament, by any servant of the Crown.

The Marquess of *Lansdowne* said, that no one would imagine that the mismanagement which had occurred in the Government arrangements of the Session had occurred in consequence of any laxity on the part of the noble Duke. The noble Duke was most regular in his attendance in that House; there was no one who witnessed the proceedings in that House who must not bear testimony to the fact, and to the most useful and beneficial attention, which he gave to public business; but at the same time, he (Lord Lansdowne) must say that despite the noble Duke's attendance, it seemed to him that his noble Friend near him had ample grounds for the complaint which he had made. It was very easy, indeed, to say, that if any one wanted information they might ask for it, and they would obtain it. He had no doubt but that some noble Lord connected with Her Majesty's Government would be able to give some explanation as to these measures; but what was the use of obtaining such explanations, when no time for deliberation could be had? The just complaint that was now made he well knew did not now originate for the first time, for it was a matter in which all previous Governments were more or less to blame. It was a complaint for which additional ground was afforded every year, and it had at last risen to such a height that the House was become a mere court of registration for the Bills that were sent up from the other House of Parliament, for they came at a season of the year when it was impossible to expect, and impracticable to give, a full and deliberate attention to them. As to their measures of legislation, he observed to their Lordships that they would be actually astonished if they were to perceive what numbers of them there were which were merely directed to amend, not the old statutes, but the new laws passed in a hurry by themselves; and all which they seemed to think required a perfection which it also appeared to be manifest they were never destined to attain. If they looked to the recent statutes, they would be amazed to perceive what efforts there had been made to perfect their laws; and he must say, that if they were to judge of them by the continual "amendments" that had been made in them, they might naturally expect that they should at this period be brought to superhuman — to something like divine—perfection. For Session after Session they were passing Amendment Bills upon Amendment Bills, as if they never could amend too much nor too often. The desire for postponement, too, was most astonishing. Every measure was put off to the close of the Session, as if it was a part of their political faith that laws, like fruit, ripened best in the dog-days. He would give an instance of this feeling, and of its unfortunate consequences. In the early part of the present Session, a noble Lord, who had given his attention to a measure of great consequence, proceeded to occupy the then vacant ground, to cultivate the then sterile waste, by passing a measure upon the subject which had so long occupied his attention. No sooner had he done so than every body stept forward and asked him to postpone it. "Don't ask us," they said, "to consider the Bill now that we can consider it; but pray postpone it till we cannot." What was the consequence? Why, that the measure when it went down to the Commons in a very altered form was complained of there as crude and unsatisfactory, and as being sent at so late a period of the Session, that they had not time to consider the state of the law upon the subject. It was impossible—plainly impossible—that they could attain perfection in that which was brought forward, without the means of discussion. No later than the last night they had a most remarkable instance of the inconvenience of this mode of proceeding. He had, on the previous night, come up from the country for the purpose of opposing, unless it was modified or altered in some way, a Clause in the Railways Bill, which he was persuaded, but which he was sure was not intended, by the right rev. Prelate (the Bishop of London), would have the effect of inflicting an injury and an insult on the lower classes of their countrymen, by putting them on a different footing with the rest of the community. There was a concurrence of opinion on both sides on the subject. There was a general disposition manifested to promote the interests of the lower classes; but with this disposition there was felt on all sides a great difficulty to attain that object. There were various suggestions, and misunderstandings took place. A Clause was proposed and carried, and that in a way which he was sure noble Lords were unable to comprehend. He could not pretend to comprehend, when other noble Lords, accustomed to consider the phraseology used on such occasions, declared that there was a difficulty in doing so; and yet the request that a Clause of such paramount importance should be postponed for a single day, in order that it might be considered—a request that should have been granted as a matter of course—was refused, and refused solely on the ground of the state of the Session, and, of course, on account of the time at which the Bill had been brought up to their Lordships. Let them, then, see the situation in which they were placed by this crude and undigested legislation. It gave them laws that disfigured instead of doing honour to the Statute Book. It gave to them laws, and laws to amend the laws, changes and perpetual alterations; and their course in this respect reminded him of an eminent individual in this country, whose name he did not intend to mention, but who it was well known, had a good deal of money, which it was said he intended to distribute in legacies. In his old age, it was asked of him, how he occupied his evenings? The answer was, that before he went to bed he was engaged in drawing up his will and allocating legacies. And then it was inquired how he spent his mornings; and it was in undoing his will and altering the legacies of the night before. That, in his opinion, was very like the way in which they spent the early part of their Session. It was in curing the faults, correcting the errors, and remedying the defects in the Acts that were passed the year before, and considering how they might amend them. What, then, was the remedy? Something, he thought, might be done to remedy this evil by the Government introducing more Bills into that House with the simple expedient of leaving out the money Clauses. There might be blanks left for them, and by that means they might occupy the early part of the Session. He had more faith in this as a remedial measure than the noble Duke had; but whether adopted or not, he must say, that anything would be better than the present system of hurrying Bills through in the most slovenly manner —in a manner which often made him rejoice that the Strangers' Gallery was so small; for he really felt that sometimes he should be ashamed that the world should know how, in that House, Acts of Parliament were manufactured.

Lord *Wharncliffe* was sure that it would be a great convenience if the business were performed at an early period of the Session; but he did not think that the fault was with that House. It was perfectly true that many Bills passed through that House without more than a few words of explanation. That was the usual custom with that House, and he believed it was the custom also with the House of Commons. Unless Bills were likely to attract a good deal of attention, Members were satisfied with a short explanation respecting them. At the time that he sat in the House of Commons he had seen thirty or forty Bills on the Order Book, and in a very short time disposed of, unless some one required explanation. As to the Railways Bill, the noble Lord had complained that it was a most important Bill, and that it had come up at a time when they could not sufficiently consider its enactments, and he had instanced that which had occurred on the preceding night. Now, it ought to be considered that before such a Bill as that would pass the House of Commons, not only must it have been considered most maturely, but it must have taken great time to mould it, so as to meet the views of those who were interested in it. If they considered the vast property that was invested in Railways, it must be plain that out of doors much influence must be exercised, and much trouble must be taken before parties could come to a good understanding with regard to it. That, then, was some excuse for the lateness of the period at which it was brought into that House. His noble Friend opposite had made it a matter of accusation against the Government that, at the opening of the Session, the Queen's Speech contained less promises of future measures than any Queen's Speech he knew of. He thought that was rather a merit than a fault. He had seen Queen's Speeches promise many things more than were fulfilled. Now what were the suggestions in that Speech, and how many of them had been brought to perfection. Well, then, how many of them had been brought to a conclusion in the course of the Session. It referred to the Bank of England, and its promise had been fulfilled. It then referred to the Irish Registration Bill. That was a measure that undoubtedly they had not completed. It was a measure that affected the interests of Ireland as well as of this country. It was a most important measure, and, as the matter was, did not press exceedingly on them. It was not a pressing case. It was one which they wished to take full time to consider, so that when they did propose the measure, they might hope it would give full satisfaction. Many objections had been made against it. They wished to consider how much weight ought to be attached to them, in order that they might make it the more palatable. These, then, were the only subjects mentioned in the Queen's Speech. But had they done nothing more? Were there not other measures—and, as he contended, very great measures—measures that were difficult to frame so as to ensure their passing? He asked their Lordships whether they did not consider the conversion of the Three-and-a-Half per Cents. a great measure? In his opinion it was the greatest financial operation ever carried since the beginning of Parliament: it dealt with a vast sum of money, and it was satisfactory to the parties concerned. They had brought in an Amendment to the Factory Bill, and they had also brought to pass in the House of Commons the Amendment of the Poor Law Bill. It could not be said, then, that this was not a fruitful Session. It had been a most fruitful Session. Yes, he repeated the word, it had been a fruitful Session. The Ecclesiastical Courts Bill had not passed the other House it was true; but then with respect to the Irish Charitable Bequests Bill, his noble Friend thought that he was the suggester of the Bill, on account of his Motion with respect to some 7*l.* 10*s.* 6*d.*, which the Commissioners of Charitable Bequests had mismanaged. His noble Friend had certainly made out a case that these charitable Commissioners had been most neglectful, and that the body itself required alteration. But at that time that his noble Friend introduced the subject, the Government had that, in connection with another object, in view. They proposed a measure to enable Roman Catholics to endow their priests, and therefore they wished to have the means by which both objects could be effected—to enable Charitable Bequests to be made, and to have these endowments when it suited the Roman Catholics to establish them. [The Duke of *Wellington*: One was to be in aid of the other.] He did not mean to say that it might not be advisable that Bills should be sent up from the House of Commons at an earlier period of the Session, so that this House might have ample time to consider the measures prepared by the House of Commons, and perhaps be enabled to improve them. He did not know that there was much to regret in the circumstance that more Bills were not originated in this House, for such Bills were not received with so good a grace as to ensure to them so much chance of passing, as if they were commenced in the House of Commons. Whether, however, more Bills might not be originated in this House he did not know, but certainly they had not much encouragement, for he had over and over again seen the failure of Bills which were originated in the House of Lords. He had no objection to the production of the Returns.

The Marquess of *Clanricarde* said, he could not acquiesce in the statement of a noble and learned Lord, who, on a former evening, identifying himself with the Government, said, "Whereas last year we promised a great deal, and did little; this year, we promised nothing, and have done a great deal." Nor could he give to noble Lords opposite all the credit they seemed disposed to claim for the measures they had introduced. As to the financial measures of the Government, he admitted them to be good; but when they talked of the conversion of the Three-and-a-Half per Cents. as an extraordinary measure, and one which nobody could have anticipated, he thought such language was more extraordinary than the measure itself; for everybody had calculated upon the adoption of some such plan. The noble Baron claimed credit also for the Factory Bill; but he must remind him, that the most important question connected with that measure—namely, education—had been totally omitted this year. With regard to the Ecclesiastical Courts Bill, it was said to be a very difficult Bill to carry. Nobody denied that; but what he and his noble Friends complained of was, that after that House had been prevailed upon, with a view to secure what they were told would be a great improvement of the law, to make great concessions of principle, even the meagre and mutilated Bill which was sent down from that House did not pass the House of Commons. With regard to Ireland, and particularly the Registration Bill, he admitted that that was a question which did not press, and that it would be better that the question should remain as it was than that the measure proposed by the Government should have been carried; but he must remind the Government that there was a time when the question of the Irish franchise was considered an important one; and so he still considered it, and felt it highly desirable that it should be taken up on a large scale. The Charitable Bequests Bill had also been referred to. Now, he considered that a most excellent measure, as an improvement on the old Board in Dublin. There were also Clauses, which, however had not been in the original Bill, but were introduced as Amendments, which were of great importance. He therefore gave great praise to the Government for the introduction of that measure; but it was a great mistake for the noble Lord, and also the noble and gallant Duke, to say that that Bill altered the law in Ireland so as to enable individuals to endow Catholic glebes. The Bill, when it passed, would give no greater facilities for such endowments than had existed, he believed, since before the Union, except that the party would have the advantage of the machinery of this particular Board. The law of the land, as it appeared, enabled an inividual, choosing his own trustees, and availing himself of the old Board, if he pleased, to endow a Catholic glebe, and leave it as he thought proper. With regard to the New Poor Law Bill, he thought that was a measure which might very well have been introduced in that House. It was said, indeed, that there was greater difficulty in passing bills which originated in that House than those which were brought forward in the other. He knew no reason why that should be so, but certainly the hurry and confusion—the hurly burly, as it had been called—in which they were compelled to pass measures at the close of the Session, was entirely owing to the Government, because a reference to the House of Commons would show that the Government could have had no difficulty in the course of the Session in forming a House any time when they chose to bring forward important measures. Their Lordships would find, if they chose to take the trouble of inquiring, that the days upon which there was no House, or when the House was counted out, were those upon which there was no important Government business, or when some motions were to be brought forward which might prove disagreeable or inconvenient to the Government. One consequence of the hurried manner of doing business at this period of the Session was, that there were some Bills of importance—the Duchy of Cornwall Bill and others—which were forwarded through their stages without a single word being said upon them. There was one Bill to which he wished to call their Lordships' attention. It was one of which they ought all to have made themselves masters, and yet he doubted if any of their Lordships' (he included the noble Lord who had moved it through its stages) had read its Clauses, except himself (the Marquess of Clanricarde). It was the Dublin Grand Jury Presentment Bill, a Bill consisting of 158 Clauses, and containing the principle upon which all the Grand Jury presentments throughout Ireland ought to be regulated. He said that the mode of conducting business in that House was not creditable to their Lordships, either as regarded the performance of their duty, or upholding their character with the public.

The Earl of *Wicklow* said, that ever since he had sat in that House, he had always heard, at the close of the Session, such discussions as these, the same complaints of the lateness of the period at which Bills came before their Lordships, and the consequent impossibility of considering them properly, and recommendations to the Government to originate more measures in that House; but still it happened that at the close of every Session things were just in the same state as before. He believed that state of things arose from the natural position and circumstances in which the two Houses were placed, and he therefore regretted that noble Lords did not attend more punctually at this period of the Session, when it was known from experience that there would be most business to be done. He had heard his noble Friend, the noble Marquess opposite, with regret, say that he had an annual visit of a week to pay at this period of the year, and in fact that absence of the noble Marquess last week had deprived the House of the valuable assistance of his experience and diligence in the consideration of the whole state of Ireland upon the discussion of an important measure relating to that country, which was debated before precisely the number of Peers which was necessary to constitute a House, namely, six. Noble Lords complained of Bills being forwarded without explanation. Why all the Bills were accessible to themselves, and if they neglected to examine them, and allowed them to pass without asking for observation upon them, they should not make that a ground of censure upon the Government. Then, as to the House of Commons not making a House, surely that was as much the fault of the party whom the noble Lords opposite favoured as of the Government, for they had equally the power of making a House whenever any business which they considered of importance was to be brought forward. He, therefore, thought the complaints which were made were without foundation.

The Marquess of *Normanby*, in reply, said, that if he had been aware that the Bill to which his noble Friend had alluded was to be hurried through three stages during the three days that he happened to be absent last week, nothing should have prevented his attendance. But he had applied to the noble Baron to postpone the measure, and although there was no discourtesy in his declining to do so, yet the reason he assigned was the strongest possible proof of the justice of the complaints which he (Lord Normanby) had made, for the noble Baron said that it was so late that the measure could not pass this Session unless it was expedited. Before he sat down he wished to repeat a question which he had before put to the noble Duke opposite, whether the Metropolitan Buildings Bill had been referred to the Commission appointed to examine the subject? He would also suggest to the Government whether it would not be possible that that House should meet next Session at four o'clock instead of five. He was sure that by some means or other (the attention of the House having been called to the subject), an end would be put to the present legerdemain mode, as it might be called, of conducting the business.

The Earl of *Haddington* said he hoped, if the House was to meet at four, the noble Marquess would not expect the attendance of those servants of the Crown who had laborious duties to perform.

The Marquess of *Normanby* said he had himself had laborious duties to perform, and he had no hesitation in saying that the additional hour might be afforded.

The Duke of *Buccleuch*, in answer to the question put to him by the noble Marquess (the Marquess of Normanby), said that the Metropolitan Buildings Bill had not been specifically referred to the

Commission, but it was under the charge of his noble Friend at the head of the Woods and Forests department, who was himself a Member of the Commission.

The Motion was then agreed to.

POOR LAW.] Lord *Wharncliffe* moved that the House should now resolve itself into Committee on this Bill.

The Bishop of *Exeter* rose and said,—My Lords, as our hours are becoming important to us, as, in fact, our hours are numbered, for we are not to sit beyond this week for purposes of business, and, as three valuable hours can be employed in the manner they have been employed this evening, it is perfectly certain your Lordships will agree with me that we cannot, with any degree of decency, go into Committee on this Bill. It is preposterous—absolutely preposterous to think of doing so. Your Lordships will recollect the reasons which the noble Lord near me (Lord Wharncliffe) gave last night for now proceeding rapidly with the consideration of this Bill; and, I confess, it struck me as being the most extraordinary reason that was ever suggested by any Minister to any House of Parliament. The noble Lord said, that as a great quantity of time had been taken up by the House of Commons in the discussion of this Bill, your Lordships were to have no time at all to consider it. I took down the noble Baron's words at the time he uttered them, but I will not now taunt him with what took place last night. Let us look at this question *simpliciter*. The Bill which is now to be gallopped through the House was introduced into the House of Commons on the 10th of February, and six long months have now passed during which that House of Parliament has thought fit to deliberate upon it. Why, my Lords, it is impossible that this House can agree to it in two days: two days, did I say?—we are confined to this night. The Motion which I shall therefore make is, that we go into Committee on the Bill this day six months. The noble Lord the President of the Council said that the Irish Registration Bill was not a pressing measure, and that it was a reason why it should be thrown overboard. Well, then, I entreat your Lordships to consider whether the passing of this Poor Law Amendment Bill is a pressing case. There has been a long time occupied in its consideration, as it is an experimental measure. We ought also to recollect that the present Poor Law Amendment Act was a great experiment; we were told that the powers given to the Commissioners were to continue only for a few years, and that, whether we should continue those powers was to depend on the experience of the working of the measure. Now, I ask, whether six months' more experience will not be of some utility? And I think that the postponement of this Bill falls admirably within the suggestion of the noble Baron. The noble Baron said the other House did not take particular pleasure to please your Lordships by the reception which they gave to the measures which your Lordships sent down to them, and in consequence of that your Lordships will have nothing to do at the commencement of the next Session. Now, then, I think an opportunity is here offered of taking up this Bill, as it has been brought to us from the Commons, and considering it at the beginning of the next Session. We shall then have something to do as soon as we assemble, and we shall have ample time to consider its provisions and to discuss its details. There was an expression which fell from a noble Lord opposite this evening that caused me great pain when I heard it. He told us that this House was used as the instrument of registering the decisions of the other House on matters of the greatest importance; and I should say, my Lords, that you would indeed be that instrument if you proceed to pass this Bill through the House, which does not at present contain one-twentieth part of its Members, for it is a Bill which, considering its importance, requires that your Lordships should bestow your most earnest attention upon it. Last night we were told that this House was peculiarly fit to consider this Bill, and it was truly said and urged as a reason for that remark that no fewer than eighty-three chairmen of Boards of Guardians were Members of this House; and, therefore, having the assistance of such a body of chairmen of Unions, we were peculiarly fit to consider this measure. I do not know whether any of your Lordships at present sitting in the House enjoy that very useful character of Chairman of a Poor Law Union. [Here we understood it to be intimated to the right rev. Prelate that some of the noble Lords present, three, we believe, were chairmen of Unions.] Well, I hope that those noble Lords will feel with me the great necessity of waiting until they can have the assistance of the other eighty noble chairmen of Boards of Guardians. I think that it is of great importance that we should have the assistance which may naturally be expected from the experience of those noble Lords who have presided over Boards of Guardians. It was also essentially necessary that the other Members of this House, who are not chairmen of Boards of Guardians, should turn their attention to this subject, for the experience of noble Chairmen of Boards of Guardians is very likely to deceive the House. When noble Dukes and noble Earls undertake (and I think that they are right in so doing) these posts of usefulness in this country,—when they mix with the yeomanry and gentlemen of the country in carrying into effect a measure like the present, they have, as they ought to have, great influence; and when one of your Lordships happens to be Chairman of a Board of Guardians it may be expected that that Board will conduct itself humanely, and that it will be desirous of doing everything to carry the law into execution usefully, charitably, and humanely. But while the experience of such noble Lords as are connected with Boards of Guardians goes so much in favour of those Boards with which they are acquainted, the experience of others brings us to a very opposite conclusion. I am not myself connected with any Board of Guardians, but in my immediate neighbourhood, it is notorious that there is a Board of Guardians which has proceeded in a tone of so much harshness to the poor, and of so little consideration for the feelings of those with whom it had to deal, that all the *ex officio* Guardians have abstained from attending its meetings, and one of these *ex officio* Guardians is a most distinguished county Member. Therefore, the representations made to your Lordships by the eighty-three noble chairmen of Boards of Guardians, as to the excellence with which the law works, are not to be taken without a great deal of reservation. I say that this present law is a law of experiment, and permit me to ask what has been the result of that experiment? Last night, we were told by several noble Lords, of whose presence here to-night we have not the advantage, that the experiment has answered marvellously. When the law was first introduced, we were told that it was to have a beneficial effect on the rates of wages, on the morality of the poor, and the contentment of the lower classes. Do we, then, find that the poor are now no longer at variance with their superiors; or that they look up to their superiors as their natural protectors and benefactors? We were told last night that this is the feeling. I am sure that the noble Lords who gave testimony to this effect were perfectly sincere in their declaration. I am ready to admit that their own experience in their own neighbourhood did assure them of the good will of their poorer fellow-countrymen; but is it necessary to remind your Lordships that a similar result has not been found realized in every part of the country? I wish to abstain from all unnecessary agitation of an appeal to the feelings, but it is impossible to forget that among the most serious causes of the recent insurrection in Wales was this present Poor Law. Is Wales the only part of this kingdom which has indicated similar feelings? I grieve to say that these feelings are exhibiting themselves even now in an awful and fearful manner in the eastern part of the kingdom. Within the last two or three weeks a right rev. Friend of mine has felt it his duty to put forth a circular letter to his clergy on the subject of the fires in Suffolk. I fear that we cannot disguise from ourselves—the fact (guilty as the incendiaries are, and reprobated as they must be by every man of right feeling—we cannot disguise from ourselves the fact that these fires do proceed from the feelings excited by the existence of the present Poor Law. I hope that we may derive some wisdom from this consideration, and that it will operate as a warning to induce us to correct the present measure. These reasons constitute a sufficient ground with him to urge upon your Lordships to deliberate whether other measures besides the present are not required to put the existing Poor Law of this country on a right footing. We are not now merely amending an Act of Parliament; we have to amend a system which is to have the greatest operation on the happiness and virtue of the people. If this were the case, we are bound to take care that we do not hastily rush into decisions which we should be glad afterwards to retract. I believe that the present Bill affords one of the most important occasions—I do not say, that the Bill is a most important Bill; but that the introduction of the Bill gives rise to one of the most important occasions that can be expected to occur in the lifetime of the longest living person present. We have to consider on what permanent footing we will put the laws for the relief of the poor in this country. On looking at the present Bill, I find that it is by no means of so extensive a character as might be expected; for I find some of the most important parts of the duty of the Legislature absolutely forgotten in this measure. I allude particularly to the absence of all kind of provision respecting the spiritual interests of the poor of this country. Not one single Clause is directed to that greatest of all subjects relating to the poor. True it is, that there is a proposition (and I rejoice to see it) for having district schools for the deserted and orphan children of the poor, but as respects the adult poor there is not one single line respecting spiritual instruction for them; no provision for teaching them to discharge their first duties to God and man. Yet it will be in the recollection of your Lordships that the individual who now addresses you, did bring forward a case in the early part of this Session, which the noble President of the Council admitted to be one of fearful importance. I will not now dwell on that case, further than to say that I believe that throughout the country the facts I laid before this House produced the deepest effect. The noble Lord, when I urged that we should go into Committee on the subject, admitted that, unfortunately, the facts were too notorious—that the dreadful spiritual destitution in workhouses was not to be denied — but that the Committee would have nothing else to do but to register facts with which all were acquainted. I do not wish to taunt the noble Baron with what had passed on that occasion; but at least we might have hoped that something would have been done in the present Bill for this great purpose. It was not only the noble Baron who suggested the necessity of some important measure for spiritual instruction in workhouses; but an authority greater than the noble Baron's, at least on this question; and which in almost every case is considered absolutely imperative—I allude to the authority of the Poor Law Commissioners, which coincided with that of the noble Baron. The Poor Law Commissioners put forth in 1839 a Report addressed to the noble Marquess opposite (the Marquess of Normanby) on the continuance of the Poor Law Commission, and proposing further amendments to the law. In page 55 of that Report, I find a special recommendation for the enactment of a provision similar to a section in the Irish Poor Relief Bill, authorising the Commissioners to direct Guardians to appoint a chaplain of the Established Church in workhouses. This was the advice even of the Poor Law Commissioners, but still nothing was done. It may be said that there was nothing to be done, inasmuch as a Court of Justice had decided that the Poor Law Commissioners had the power to appoint chaplains. It follows then that the responsibility of not acting upon power rests primarily with the Poor Law Commissioners, but ultimately, according to all constitutional principle, with the Government. The Commissioners are obliged to report to the Secretary of State for the Home Department. He is responsible for the measures of these Commissioners, and therefore, if the Poor Law Commissioners do not do what the Secretary of State feels ought to be done, the Commissioners ought to be dismissed according to every constitutional principle. Consequently the blame for absolutely refusing to give spiritual instruction to the poor of this country rests with that Officer who is constitutionally responsible. It is the Secretary of State for the Home Department, the Colleague of the noble Baron (Lord Wharncliffe) and of the noble Duke (the Duke of Wellington) who is responsible on this point to his Colleagues, his country, and his God. I repeat that there is not one word in this Bill which relates to the appointment of chaplains. Let it not be supposed, however, that I think that the simple appointment of a chaplain is the right way of dealing with this matter. Though the Poor Law Commissioners could appoint chaplains, and have appointed them in many places, yet they have done so in such a form as is certain to render the appointment inefficient. Much consideration is necessary in order to ascertain the best mode of promoting the spiritual interests of the poor, and if nights were to be given to the subject they would be given usefully. This question cannot be discussed usefully unless it is discussed largely. You cannot pass a measure of this kind hastily. There must be great and grave considerations given to these important interests, if your Lordships wish to preserve the respect of the country and yourselves. I say this, because the few Peers who appeared to adhere to their places in this House during the present discussion, were led to do so from the important consideration that the interests, the security, and the protection of the poor are concerned. There is not one of the noble Lords who now hear me, but must feel gratified at thinking that he is discharging his duty by sitting here, and at the same time must feel ashamed at seeing how such a measure as the present is to be treated. What shall I say with regard to the Ministers of the Crown? As an Englishman, I feel gratitude to them for much that they have done; but I also feel indignant—and I do not scruple to express that indignation—that men in their high situation, with their deep responsibility, should thus try to trifle with the best interests of their country. If I look into this present Bill, and if I look further into the nature of the measure, I perceive additional reason for deliberating before assenting to it. I find the present Poor Law to be in direct antagonism to the great law of the 43rd of Elizabeth, which has been truly characterized as the Magna Charta of the poor, and which is part of the great Constitution of this country. I should rather say that it was part of the Constitution; for in this important respect the Constitution has been deeply shaken to its very basis. That great Act of Elizabeth was the Magna Charta of the poor of England; but it is not so irrecoverably lost that it may not be reclaimed; and I now call on your Lordships to take one step towards reclaiming it by refusing to go into the consideration of this present measure to-night. If you consent to pass this wretched tissue of miserable expedients, you put off the hopes and expectations of the poor to an indefinite period. I therefore implore your Lordships to weigh well the consequences. I do not mean that you should be influenced by any miserable fears for yourselves, but I mean that you should weigh well the consequences to the best interests of your country, if you set at nought the just expectations of the friends of the poor. I say that the present law, that great experiment of 1834, is in direct antagonism to the Statute of the 43rd of Elizabeth, and I will give reasons for my assertion. The Act of the 43rd of Elizabeth rests on this great principle—that the poor have a right to subsistence. The present law, on the contrary, proceeds on the principle that the poor have no such right, though by the bounty of the country, and by the kindness and mercy of the Legislature, something might be doled out to them according to the wisdom of that Legislature. "Right," and "No right" are the two principles which severally distinguish the 43rd of Elizabeth and the experiment of 1834. I say this on no slight ground. In the first place I declare myself decidedly of opinion that the poor have a distinct right to subsistence—subsistence in return for their labour I admit, but they have a right to be protected from absolute destitution. [Lord *Wharncliffe*: Hear.] I am not surprised to find that the noble Baron cheers me, when I make that assertion, and, therefore, I trust the noble Baron will act in conformity with it. [Here Lord *Wharncliffe* made some observation.] I must speak to order. If I misrepresented him, the noble Baron will have plenty of opportunity to refute anything I may say. I repeat that I rejoice to find that the noble Baron cheered what I stated. The poor have a right to subsistence, and I declare that that right rests on the most sacred authority, namely, the Bible. I have no hesitation in saying that this right is the gift to them of the Almighty, Giver of all Good. It is a gift to all men without exception or privilege. There is no special gift to the rich, and no special exception of the poor. They are all to be "fruitful and multiply, to replenish the earth and to subdue it," and the productions of the earth are given to man for his food. Therefore, I say that the Word of God has given to the poor the right to subsistence. The noble Baron admits that the poor have this right; but those who originated the present Poor Law, or whose principles at any rate originated it, allow of no such right. This New Poor Law is the great production of the Malthusian philosophy, and I am prepared to read to your Lordships what Mr. Malthus said as to the right of the poor to subsistence. In speaking of Mr. Malthus I may be permitted to gratify myself by bearing testimony to the excellence of that man. Mr. Malthus was a man of as singular talent as has been exhibited to the world. He was, moreover, a man of the purest benevolence, amenity of manners, and kindliness of demeanour; and exhibited a universality of charity which does not always distinguish men of high talents. I had the happiness and honour of his acquaintance, but I was much less intimate with him than I could have wished, particularly as he is now lost for ever. But my respect for Mr. Malthus's personal character must not prevent me from protesting against his principles. I am not going to enter into a discussion of his principles concerning population; but his doctrine certainly did induce him to come to a conclusion contrary, I rejoice to say, to that held by the noble Baron. Mr. Malthus held that the poor had no right to subsistence—that no man had a right to claim subsistence from society. In the second edition of his *Essay on Population* he permitted himself to say:—

> "A man who is born into a world already possessed, if he cannot get subsistence from his parents, on whom he has a just demand, and if society do not want his labour, has no claim of right to the smallest portion of food, and, in fact, has no business to be where he is. At Nature's mighty feast there is no vacant cover for him. She tells him to be gone."

I am told that this passage was erased from the subsequent editions of the work; but it appeared in the edition of 1803. Now, if I had understood that Mr. Malthus had retracted his principles from which the passage I have quoted forms a legitimate conclusion, I should have been ashamed to taunt his memory, or to taunt his disciples by referring to that declaration. But the principles remain, though this particular passage has been erased from his work; and as he carried those principles to a startling and disgusting point, we ought to be glad that he has given us a deliberate practical view of the result. The present Poor Law, then, is founded on the Malthusian philosophy, which, at the period of the introduction of this measure, was so strongly recommended. It is the following up of this Malthusian philosophy which has caused this great experiment to be made on the happiness and virtue of the people of England. I understand that the biographer of Mr. Malthus has stated this to be the case, and has claimed all the merit, or rather demerit, of the New Poor Law for the philosophy of Malthus. Your Lordships are aware, that though the noble Baron (Lord Wharncliffe) and myself recognized the right of the poor to subsistence, this right is not universally recognized. It is not recognized in the Poor Law of 1834; but the Statute of Elizabeth proceeded on the principle of recognizing the right. Blackstone, in his *Commentaries*, says, on the authority of the *Mirror of Magistrates*, which I believe is a great authority for the Common Law of England, that by the Common Law the poor are entitled to subsistence from the parsons and the parishioners of the parish in which they live. That very Common Law to which your Lordships are indebted for your hereditary estates, and for the incidents of the honours you bear, for your power to legislate in this House for the interest and security of the country, and for the interests of the poor—that very Common Law gives to the poor the right of subsistence, and that right is recognized by the Statute of Elizabeth, for that Statute required that there should be work found for the poor in their own parishes. It recognized the parochial system, and it enabled the poor who remained at their homes to be sure that they should have the means of existence. That Statute of Elizabeth proceeded on a very different principle from the present Poor Law, which sends the poor to a distance from their homes to live in workhouses. The Statute of Elizabeth also enjoins the building of cottages, where necessary, for the accommodation of the poor; and it does not interfere with the poor by harshly disregarding their domestic affections; neither does it require of the poor, that for the purpose of getting a subsistence they should give up the rights of fathers and of husbands. The liberty of the people at large is recognized in that great Statute of Elizabeth, which was the Magna Charta of the poor. Is such the case under the present law? If the present law proceeds on the Malthusian principle, its enactment is intelligible, that the poor should have no right to subsistence; but it is neither intelligible nor justifiable on any ground. Was it ever before heard of that the poor should be dealt with as they are under the present law? They are told that they shall have a right to subsistence, if they consent to be prisoners in gaols, or (in other words) in workhouses, and to be separated from all those round whom their feelings and affections are entwined. If the poor consent to all this, then they shall have, under this New Poor Law, a subsistence as bad as human ingenuity can contrive consistently with the mere maintenance of life. But how can this be a right which is dealt with in this way? If the British Legislature recognize the right, would they dare so to restrict it? No; if they had recognized the right, they would have done in 1834 as in 1601, and they would have dealt with the poor as with freemen, though they might happen, from misfortune, to cease to have an independent means of existence. The thing is too plain for argument. I have said that these workhouses are gaols, where the poor are shut up and kept prisoners. This is a strong expression, and the noble Baron, I am afraid, thinks it too strong; but I will give him an authority on this subject—that of a most distinguished Assistant Poor Law Commissioner. I will read a letter which the Poor Law Commissioners peculiarly made their own. I am not speaking of the present Poor Law Commissioners, because I do not know whether any one of the Commissioners who authorized the letter I allude to continues in office. On referring to the Report of the Commissioners for 1836, your Lordships will find this letter. A very humane and excellent Gentleman, who represents the county of Kent, Mr. Plumptre, had occasion to complain of the prison-like character of the workhouses, and the Commissioners directed Mr. Tufnell to give them an answer on the subject; and I will read a part of that answer to your Lordships. Mr. Tufnell says:—

> "At present these prison-like appearance, and the notion that they are intended to torment the poor inspires a salutary dread of them. I have taken several persons—ladies as well as others—to visit them, who have invariably turned loud in praise of the comfort they afford, and confest the groundlessness of their previous prepossessions against them. These praises, however, sound to me fraught with evil forebodings, the realization of which can only be prevented by carefully keeping up what seems to me our sole barrier against them —a system of restraint."

Therefore this description does not rest on any authority but on that of the Poor Law Commissioners. We have heard a good deal of the excellence of the workhouses lately, and the present system carried on there, and I will therefore read to your Lordships what Mr. Tufnell writes in 1841 in his Report on the Training of Pauper Children respecting the Schoolmasters in Union Workhouses. He says:—

> "The extraordinary blunders I constantly hear committed by the schoolmasters in teaching the children are almost incredible. An hour before I am writing this, I requested a workhouse schoolmaster to examine his pupils on the last chapter they had been reading, which happened to be part of the 4th of St. John, when, amongst other blunders, he mistook the Publican for the Sadducee, confounded John the Baptist with John the Evangelist, made Galilee a city of Samaria, and put Samaria in Jerusalem. I once found a schoolmaster appointed who could neither read nor write."

Such, then, is the working of this system, and such is the instruction given to the poor. But this is not all; and again Mr. Tufnell states—

> "There is also considerable danger of moral contamination to the children from their residence in the same house with adult paupers."

This then has reference not to the merely young, but to the moral conditions of the aged and of the general inmates of those workhouses. Mr. Tufnell proceeds—

> "It is perfectly well known to all who have had experience in Poor Law matters, that a very large proportion of the adult workhouse inmates are persons of the worst characters—the very refuse of the population—and there is a reason in the nature of the subject, which it is not now necessary to explain, why it is and always must be so. That this class, morally infected as it is, should be kept separate from the children, is of course of primary importance, and in every union workhouse means are taken to provide for this end by building separate wards and yards for each class. I am confident, however, that architectural arrangements can never effectually secure perfect classification in a workhouse. Conversation, sometimes of the obscenest description, is carried on over walls and through windows. The conversation engendered in such an establishment is anything but moral. Perhaps a woman comes into the house to lie in of a bastard child, and every circumstance relating to it becomes the talk of the house; another dies of a foul and loathsome disease, which gives rise to a multitude of inquiries. The atmosphere of a workhouse that contains adult paupers is tainted with vice; no one who regards the future happiness of the children would ever wish them to be educated within its precincts."

Here, my Lords, is ample evidence of the danger of bringing the sober and industrious poor into these moral pest-houses. Is it to be endured that the honest and well-conducted man, who is obliged to come to the parish for relief, should be compelled to go into these detestable places—nay, more, that his wife and children also should be forced into those polluted sties of infamy? Is it to be endured that the honest and deserving poor of this land should be made to pay this price for the miserable boon of such a subsistence as is provided for them in the workhouses? I am sure that it is only necessary for me to bring these things under the notice of your Lordships in order to convince you that you have not sufficiently considered this question. These things are before us. They are not prepared for the occasion. They show that the existing law is intolerable, and I am satisfied that no man who hears them will deny that they present what is the state of workhouses in general. The noble Baron says, no—[Lord *Wharncliffe*: No, I did not.] I am glad of it; for what I have read to your Lordships shows that there must be moral pollution in these poorhouses. I say also, that it shows this to be the general state of the poorhouses, and if so, I say they are not places to which you can persist in sending your poor. These, my Lords, are very serious evils. They are truths which ought to make a deep impression on the House. My Lords, I may have perhaps spoken on this occasion with more warmth than in my cooler moments I might wish, but I have nothing to retract. I feel myself excited and I cannot help speaking strongly. I maintain that the considerations I have urged are so important that I defy you to go on until you have taken them into your fullest deliberation. As Christians, my Lords, you cannot, as legislators you will not. My Lords, I have spoken of the prison-like character of the workhouses. When the subject of the separation of man and wife has been urged, we have been told over and over again that the same things as those now complained of occurred in some of the workhouses under the old system. The noble Baron repeated the same thing the other night. Now, I have the greatest respect, my Lords, for the authority upon which that statement has been made, but I must say I believe the facts stated to be impossible. My Lords, I understand the noble Baron when he makes this declaration with respect to well-regulated workhouses to apply it to workhouses in existence before the passing of the Act of 1834. I cannot tell where those well-regulated workhouses were. The workhouses under the 9th of George I., cannot be those he refers to. They were small workhouses adapted to single parishes, or sometimes two small parishes were permitted to join; but there was no pretence for the separation of the sexes; and with regard to the unions under Gilbert's Act the fact is, that under it, only the aged, impotent, and infirm, can be taken into the workhouses. Able-bodied men and their wives cannot be admitted there. There is a positive enactment against it. The words are—

> "And to render the provisions of this Act more practicable and beneficial, be it enacted, that no person shall be sent to such poorhouse or houses, except such as are indigent from old age, sickness, or infirmity, or are unable to acquire their subsistence by labour."

Therefore in the well-regulated workhouses in the Gilbert unions the things alluded to could not possibly occur. But, besides what I have read from the Act, there are also the rules and regulations to be enforced in the poorhouses, and the third of those rules is, that the governor of the workhouse is to place in a separate and comfortable department persons who having been respectable householders shall have been reduced by misfortune, in preference to persons of an opposite character. Therefore, according to that regulation, man and wife were to be put together; and that they could not do it I maintain, on the authority of all the legal decisions that took place up to the passing of the Act of 1834. So sacred was the principle of not separating man and wife held to be, that in the case of an alien, who therefore could not have any settlement of his own, the wife, who had a settlement, could not, if she came to want, be removed to her own settlement, but remained and continued as a casual pauper, because the law would not permit the separation of man and wife. My Lords, that separation was first made legal by the Act of 1834. Not directly made legal—no, my Lords, this Parliament would never directly have made such an enactment. And not long after the passing of the Act of 1834, when the late Duke of Buckingham presented a petition from Stoke Poges, in which the petitioners expressed their sense of the grievance there was in the possibility of man and wife being separated, the noble and learned Lord who was the author of the Bill, and who carried it through this House—I mean Lord Brougham, whose distinguished ability displayed in carrying that Bill through will not, I am sure, be soon forgotten by any of those who heard him—that noble and learned Lord jumped up in his place, as he sometimes does in this House, and said that it was impossible—that it was supposing the Commissioners to be mad, to think that they would entertain the very notion of separating man and wife. My Lords, it happened to myself to put this question to the test. Believing that the separation of man and wife was not justified by any previous law, I thought that the question ought to be tested, all the Judges of the last century having affirmed the law to be, that man and wife could not be separated. I therefore undertook to try the question in a Court of Justice. I did so. The Commissioners afforded me every assistance in bringing the matter to trial. I was in communication with the Commissioners; and here I must state that whenever I was in communication with either the present or the late Commissioners, I experienced not only courtesy, but the utmost candour, fairness, and readiness to assist in the investigation I was making. My counsel on the occasion was then one of the most distinguished at the bar—he is now one of the most distinguished Judges. He moved the Court of King's Bench on the subject; but the Judges said they could not entertain so important a Motion so late in the term, and accordingly they deferred it till the next term. I had not been in personal communication with my counsel at that time. He received all the reasons why I thought the separation of man and wife were illegal, and he said there was a great deal in them. But there was one point he said, which I could not get over. He said, if the Act of 1834 had contented itself with giving the power to the Poor Law Commissioners of making laws and regulations for the management of the poor, they could not have contravened that great principle that man and wife are not to be separated; but the Act had gone further, for it said that the laws and regulations made by the Commissioners were to have the same effect as if they were part of the Act of Parliament itself. Then the question came, whether Parliament had the power to pass a law, for the separation of man and wife, and as he could not hold that Parliament was not competent to pass such a law he did not think that his application to the Judges would succeed. My Lords, the matter being thus brought to this point, I stood pledged to bring the question to a legislative issue, but when my own Counsel, a man of eminent ability, told me that I must fail, I felt that I had virtually brought the question to an issue, and that my honour was satisfied. I felt that to go further, would only be to agitate the question in a manner in which I was not entitled to agitate it—that I was entitled to say, that this law was wrong; but, finding that it was the law, I was bound to deal with it as the law. But I am entitled to mention this, in order to show how very special and stringent must be this regulation of the Commissioners for the separation of man and wife, when it required the authority of this Act of Parliament in order to enable them to make it. It appears to me that that part of the Act is not only mischievous, but also unparalleled—at least, if there are any parallels, I fear you must go a long way back for them. I fear no precedent can be found since the famous statute of Henry VIII., which gave to his proclamations during his life all the authority of law. I will defy any one to produce a later precedent for any such enactment. There was an earlier case in the reign of Edward II., when the obsequious Parliament of that day gave to the Spencers and some others of the King's minions a similar power. With these two exceptions, the Act of 1834 had in this respect no precedent. Then, my Lords, as regards relief, as it is called. We see what this "relief" is. It is to be shut up in a gaol, and a general order goes forth to refuse out-door relief to able-bodied paupers. That idea has gone forth to 460 Unions, to which therefore, it is absolute law. Under that rule, no out-door relief is to be given in those 460 Unions, except in some special cases which hardly ever occur. Relief in those Unions, with those exceptions, is not to be given except to those who come into the workhouses—into these moral pest-houses. But, my Lords, there is another question—there is the question of the facility of getting into these workhouses. One would expect that the miserable destitute poor would have had near at hand the power of obtaining relief. Such used to be the case. They used to have in their own parishes—at their own doors—the dispensers of—I will not say charity—but of the just dole given out by the country as the tribute to the Author of all Good for the property left to be enjoyed upon that condition. But how are the poor now situated in that respect? These Unions are of the most enormous extent. One of them extends over 330 miles. Your Lordships may well believe it to be incredible. [The *Lord Chancellor*—Twelve miles square would only give 144 miles.] In Lincolnshire, the most considerable agricultural county in England, there are 600 parishes, and only fourteen Unions. The average size of an Union in Lincolnshire is 200 square miles. How is it possible that the poor can go so far as from the extremity of one of these Unions for relief?

The *Lord Chancellor* observed, that the centre of such an Union would only be six or seven miles from the extreme point.

The Bishop of *Exeter*. But the seat of the Union is commonly not in the exact centre of the Union, but in the principal town of the district, and therefore I believe you will find that in ordinary cases, certainly in the old counties, they would have to go more than six or seven miles. I think, my Lords, that is a considerable distance for the poor man to go to get an answer, perhaps of no! and then to go further on the chance of getting an answer of yes! But we are told, that although we see the abuses of the new system, we do not bear in mind the abuses of the old, which were very great indeed. And so they were. But, then, my Lords, they were abuses. These things are not abuses, but necessary parts of the system. There is the great distinction. But those abuses of the old system are mainly of modern introduction. In fact, the year 1797 originated the greatest abuses which were specified last night by a noble Earl, who spoke in favour of the present Bill. Those abuses were, the "roundsmen," the allowance system, and the payment of wages out of the rates. It is notorious, that those abuses arose out of the extraordinary state of things in 1795 and 1796. One or two of your Lordships now present, are old enough to remember those years. They were years of singular scarcity; the price of provisions rose to a great height, and some provision for such a state of things became absolutely necessary. There were also other causes; there was the war, which contributed to raise the general prices of every thing. Wages did not rise at the same time, and it was thought expedient in some counties—Berkshire, I believe, was the first to adopt it—to give to the industrious labourer who could not earn wages enough to meet the increased price of bread, an allowance of a quantity of bread. The "roundsmen" took rise from the same cause. Those were the most operative causes of the evils of the old system. In the part of the country where I then resided, in the county of Durham, those abuses did not generally prevail; but they existed to a great extent in the southern parts of England; and, as those who witnessed them there believed that they prevailed generally, they were the more ready to lend an ear to the putting down of the old system and the trial of the new one. My Lords, I think it is our bounden duty, when we are endeavouring to fix the basis of a system of poor laws, to consider well whether we cannot revert to the system under the 43d of Elizabeth, with such checks as may and ought to be provided against the repetition of those abuses under that system which were made the plea for the present law. I think it is our duty to do so, and, feeling that it is my duty also, I do earnestly beseech your Lordships to join me in deferring the consideration of this Bill for the present Session. There are not a dozen of your Lordships present now. The House of Commons took six months to consider this Bill. Shall we, my Lords, get through the Bill as it is proposed, to night, and probably not in so many hours? Will that be right? Is it not a measure so complicated as to render it necessary that there should be in common sense a much longer time for deliberation? Not only is the measure itself complicated, but I must say, the necessity for passing it now is inconsiderable. It will be absolutely trifling with the sacred interests of the poor if you deal with them in the manner you are now pressed to adopt. I do hope, whatever I may have said this night—however I may appear to have spoken with greater warmth than I could have wished—I do hope that anything I may have said will not be permitted to injure the cause of which I am the advocate. I do hope, however, that it will be felt that I have brought forward facts in support of the proposition with which I now conclude—"that this House do resume the Committee on this Bill this day six months."

The Duke of *Wellington*: My Lords, I have given my best attention to the speech of the right rev. Prelate, and I beg to call your attention, in the first place, to the argument he has brought forward to induce you to postpone the consideration of this Bill at such a period. He told you about an hour and a half ago that it was too late in the evening to go into the consideration of such a Bill, and he further said that your Lordships were not in sufficient numbers for so important a measure to be disposed of. But I beg to remind your Lordships that we have frequently sat here to a much later hour in the night than this, and that, according to the constitution and practice of this House, you are not at all in numbers too few for the consideration of any measure, and more particularly for the consideration of a measure which has been so long under the consideration of the other House of Parliament, on a subject which is perfectly known to your Lorpships, and which has, in fact, been under the consideration of Parliament not in the present Session only, but also during the last three or four Sessions of Parliament, when measures for the amendment of the existing Poor Law have been considered. Measures recommended by the late Government and by the present Government have been under the consideration of Parliament during that time, only that on account of the pressure of the other business those measures have been postponed, and at last this measure has been considered and brought to maturity in this Session of Parliament by the House of Commons. It is a measure which comes to your Lordships recommended by that House; and yet at this period of the Session you are called on, night after night, to put off this measure, which has for its object the amendment of many of those evils in the existing Poor Law of which the right rev. Prelate complains. This is the real question, whether you will to-night enter into the consideration of a Bill which has for its object the amendment of the existing Law. My Lords, in the course of the argument of the right rev. Prelate on this Bill, which was quite a legitimate course of argument for the right rev. Prelate to take, he spoke on the subject of the omission of any amendment in relation to chaplains in workhouses—a subject on which he with great eloquence addressed your Lordships in the early part of the present Session. My Lords, I lament for one, that this Bill does not contain all the amendments to the existing law which I think it ought to contain with respect to this subject. But the right rev. Prelate after entering on this part of the subject, and stating as he did so forcibly, his objections to the Bill, warmed up in the course of his argument and came to that which was the real object of his Amendment, namely, to repeal the existing law. The object of all the right rev. Prelate's speech, and of all his views on the subject is the repeal of the law—that, my Lords, is what he wanted. He wishes that you should return to the system which existed before the present law was enacted, and that you should not pass this Bill which has been the result of consideration during many Sessions of Parliament and the object of which is the Amendment, of the law, but that you should at once repeal it. My Lords, if the right rev. Prelate would be pleased to give notice in the course of this week or of the next that he will bring in a Bill the existing Poor Law, and to restore the Act of the 43rd of Elizabeth, which I understand to be the object of the right rev. Prelate,—if he will do this I will undertake to say, that he will bring down to the House a sufficient number of Peers to discuss that proposition, or any other subject which is worthy their attention. But, my Lords, I entreat the right rev. Prelate not to set to work to repeal the existing law by preventing in the first instance the consideration of a Bill, the object of which is to amend the very evils in the existing law of which he complains. My Lords, the right rev. Prelate having passed so much of his time in discussing the policy of the existing law, I must be permitted to say a few words to you on that subject, having voted originally for the existing law, though I sat on the other side of the House at the time when it was proposed by the then Ministers, and having supported it on all occasions from that time to this. My Lords, the existing law brought in in 1834, was rendered obligatory by the state of abuse which had grown out of the law of the 43rd of Elizabeth in every parish in England — in some to a degree which threatened the total ruin of such parishes by a total cessation of labour in some parts of the country, but everywhere to such a degree as to have required the attention of some of the greatest men who ever appeared in England—I mean Mr. Pitt, for one, Mr. Whitbread for another, and Mr. Sturges Bourne for a third, who each and all of them endeavoured to introduce and carry through Parliament bills for the amendment of the law of Elizabeth, and every one of them failed, finding that they could not attain their object. The abuses were so great and so various, varying in almost every parish in England, that it became absolutely impossible by any system of legislation to meet those abuses so as to save the country from the ruin and destruction that was growing on it in consequence of the manner in which the law was administered. It was found at last that nothing would apply a remedy except to establish a central system of Government for the regulation and maintenance of the poor under the management of Commissioners, who were to be themselves under the general superintendence and control of the Government. That my Lords, is an epitome of the history of the establishment of this Poor Law. I say, my Lords, that you cannot depart from the system so adopted without going back again to the old system with its abuses differing as I said in every parish in England, and which must tend, as it tended before, to the total destruction and ruin of agriculture, and press particularly on the very lowest class, who were the objects of the Act of Elizabeth. Now, my Lords, as to the management of the Poor Law under the Act of 1834. I am not, nor have I ever been, a guardian of the poor. It is not in my power to live in the country sufficiently often from time to time to enable me to undertake such a duty, and I never have undertaken to perform it. But, my Lords, I do visit the workhouses in the different parts of the country where I happen to reside occasionally. During the year, I reside a considerable length of time in two parts of the country, and I visit workhouses in both; and this I must say, that it is impossible for anything to be better managed than those workhouses are; and it is impossible for any system to have answered better as a system for the management of the poor, to have given greater satisfaction to those employed as labourers, and those who employed them, than this system of the Poor Law in those two parts of the country where I reside. I speak, my Lords, of what I know and I have always frankly stated the same in this House whenever I have had an opportunity in answer to a noble Earl who is an enemy to this law. And, my Lords, I always will say, the same thing whenever I am called on in this House. I must say, as far as I have any knowledge of this system, and I have frequently visited the union-houses in many parts but more particularly in two parts of the country where I reside, that I cannot but approve of what I have seen there upon every occasion. The right rev. Prelate has complained of some things which exist in these Unions, and for some of which this Bill is to find a remedy. One of them is the separation of man and wife; and the right rev. Prelate says there never was such a thing heard of as the separation of man and wife. My Lords, did the right rev. Prelate ever hear of workhouses and poorhouses under the old system of the law of Elizabeth? Did he ever hear of hospitals? Why, my Lords, the common decencies of life require, that when large numbers of persons are to be brought together, man and wife shall be separated. The women must be placed in one part and the men in another part of the house. It cannot be otherwise. This is what is required by the laws of decency. It is not only under this Act that it is done, it was done in the old workhouses under the law of Elizabeth. It had been done invariably in hospitals, and it cannot be otherwise. Then with respect to the education of children, instead of declaiming, as the right rev. Prelate has done to-night, about the inferiority of schoolmasters and the defective state of education among the children, who, by the by were kept separate, let him introduce a Clause to insure that the schoolmasters shall be properly qualified for their duties. But no, my Lords, that is not the object of the right rev. Prelate. He does not want to go into Committee that the present law may be amended, nor does he want the postponement of the Committee in order that your Lordships may have a better opportunity of considering this measure to-morrow or next day, but he wants you not to go into Committee because he wishes to destroy the Act which this Bill is intended to amend. If the right rev. Prelate is in earnest, let him come here with his Amendments in Committee—let him state what his objections are—let him propose his amendments, and see whether my noble Friend will adopt them or not. Upon one subject, with reference to chaplains, there can be no amendment, because the system of legislation in force between the two Houses would prevent it; but there are other points on which the right rev. Prelate may propose amendments; let him do that, and he will render a service to the country; but to pretend to prevail on your Lordships to stop this Bill to night, in order to render it absolutely necessary to repeal the existing Act, is a course unworthy of the abilities and station of the right rev. Prelate, and which I trust your Lordships will not attend to, but go into the Bill, and proceed with it as far as you can to-night in order to render it as beneficial as you can, with the view of amending the law as it now exists.

The Marquess of *Normanby* entirely agreed in what had been so well expressed by the noble Duke both with reference to the original intentions of the framers of the Poor Law Amendment Act, the necessity which then existed for its enactment, and the execution since; and he could not help expressing his extreme surprise at the course which had been taken by the right rev. Prelate. When last night the right rev. Prelate proposed the adjournment of the debate, he certainly never contemplated that the result of the delay was to have been a Motion for the rejection of a Bill, almost every Clause of which contained some relaxation of a Bill which the right rev. Prelate had so warmly opposed. As he could see no connexion whatever between the general arguments of the right rev. Prelate and the Motion with which he concluded, he could only imagine that his reason for wishing the postponement was, that the right rev. Prelate desired to have a fuller audience; but he had cautioned the right rev. Prelate not to be too sanguine on that point, and the result had been that his audience was scantier that evening than it would have been last night. There were one or two facts mentioned by the right rev. Prelate to which for a single moment he would allude. The right rev. Prelate had alluded to the letter of the Poor Law Commissioners in 1839, addressed to him (Lord Normanby), as Secretary of State, suggesting the appointment of chaplains to workhouses; but it should be recollected this was previous to the decision of a Court of Law, and the advice of the Poor Law Commissioners at that time was perfectly consistent with the course they had hitherto pursued when they found out the power possessed by the Guardians. He was surprised the right rev. Prelate had said nothing with respect to the Bastardy Clauses in this Bill, considering how strongly he had spoken on the subject in 1834. In fact, this Bill amended the Bastardy Clauses in the existing law very much in the way suggested by the right rev. Prelate, and he was surprised he had not availed himself of that fact as a legitimate source of triumph. He was obliged to own with the noble Duke, that with respect to the Bastardy Clauses they had not answered all the objects they had in view, and therefore he agreed to this measure of amendment. Then, with respect to the size of the Unions, it almost appeared to him as if the right rev. Prelate had not read this Bill; for all the arguments he principally put forth against the original Bill were met by the present measure—the evils were either entirely connected or greatly mitigated by the provisions of this Bill. With respect also to the education of pauper children, there were provisions in this Bill for the creation of district schools. As to out-door relief, in respect of which the right rev. Prelate understood, that there were 500 Unions in which it was refused, the 26th Clause of this Bill introduced most material relaxations, which he thought would be extremely useful. His noble Friend (Earl Fortescue) last night had intimated a wish to restrict the allowance to widows to twelve months after the husband's death, but in that objection he did not agree. A widow wore her weeds for one year, but he did not know why her necessities should be confined to that period; he would not therefore support that amendment. The right rev. Prelate had apologised for the warmth with which he had spoken, and hoped their Lordships would excuse it. But so far as they were concerned, he was sure there had been no exhibition of warmth to be excused. The right rev. Prelate had spoken as he always did with great ability, with great fact, with great art— [The *Lord Chancellor:* With great earnestness.] Yes, with great earnestness, and great sincerity; but as to any warmth, why, there was no such thing; and in the state of the House, it would have been odd indeed if there had been any excitement. But a good deal of this was not intended for their Lordships' ears; and the right rev. Prelate knew very well that a little confession of warmth and excitement on this subject did not make such a discourse tell less where it was intended. He must bear his testimony from personal experience in confirmation of the noble Duke as to the management of workhouses under the present Bill. Within a very few days he had had the opportunity of going through the very worst parts in the eastern district of the metropolis and inspecting the new workhouse in Bethnal Green; and he must say, that the appearance of the inmates of every age, contrasted with those he saw in their own wretched abodes, was such as must excite feelings of gratification in every friend of humanity; and as to the children, he could detect the period they had passed in their prison, as the right rev. Prelate termed it, by their more healthy appearance. So much had been said in praise of the manner in which the Act had been administered, that anything he could say further in commendation of those Gentlemen who had had the conduct of the measure would be neither necessary nor useful to them, but having exercised the functions of that department to which the peculiar superintendence of the conduct of this law was intrusted during two years, he could not, in justice to his own feelings, avoid bearing his personal testimony to those who had exercised their functions with mildness, humanity, and unwearied perseverance, to carry out the true ends of this law, which, in spite of what had been stated by the right rev. Prelate, he must consider wise, just, and humane.

Lord *Wrottesley*, as Chairman of a Board of Guardians, protested against the first nine Clauses of this Bill, which he greatly feared would reproduce all the evils of the old bastardy laws, by offering a higher premium to perjury and incontinence, and placing the guilty in a better position than the honest and industrious. Still he felt the position a difficulty in which the Government were placed with respect to this measure, and as there were several material amendments of the Poor Law contained in this Bill, he certainly wished to see them carried. But he could not sit down without expressing his grateful thanks to the noble President of the Council for his speech in introducing this measure in favour of the Poor Law Amendment Act, in which he had always felt the deepest interest, and which, in his opinion, had been a most successful one.

The House divided on the question that "now" stand part of the Motion: Content 17; Not Content 1: Majority 16.

House then went into Committee.

Lord *Wharncliffe,* in proposing the first Clause, wished to say a few words, having been several times referred to personally by the right rev. Prelate. In one respect, he was very much obliged to the right rev. Prelate for the course he had pursued to-night; for this was the first time they had been enabled to learn what was the object of those out of doors who cried out so much against the existing Poor Law. The right rev. Prelate said, "Don't amend or improve the present law, for God's sake; let us go back to the 43rd of Elizabeth." But when the right rev. Prelate said, that a Bill passed in 1601, was the only thing that by possibility could answer the purpose of 1844, he would ask what, after all, was that Bill, and what was its occasion? The poor had, previous to the Reformation, been maintained by charity from the monasteries; and when they were put down, their means of relief were entirely cut off. It was necessary to get rid of bands of vagabonds who were going throughout the country; and the 43rd of Elizabeth was a restrictive measure, which compelled them to remain in their parishes. The right rev. Prelate contended that the poor had a right to subsistence;—he admitted that they had a right to relief in case of destitution, and that he maintained was the principle of the Poor Law Amendment Act. He admitted there were conditions attached, as in the 43rd of Elizabeth; but he did ask the right rev. Prelate, if he did think that in the altered state of society, and with a greatly increased population, they could re-enact the 43rd of Elizabeth? Yet this was the mighty scheme of those persons who were in the habit of crying out against the present law! He would venture to say, if the right rev. Prelate would come forward and seriously propose the repeal of the existing law, and the re-enactment of the 43rd of Elizabeth, he and those persons out of doors who contended for such a thing, would become the laughing-stocks of the whole country. The right rev. Prelate, after what had passed, would not be doing his duty in that House, if he did not bring forward this subject in a more definite shape than he had done to-night. What were the provisions of the Bill which the right rev. Prelate refused to go into Committee to consider? With respect to bastardy, for instance, the Bill was a great relaxation of the present law. Then, as to the mixture of adult paupers with children, and the separation of man and wife, the right rev. Prelate denied that those things had taken place before; but he begged to inform the right rev. Prelate that, in workhouses under Local Acts, the separation of man and wife had been carried out to an extent as great, and with much less care and attention to the wants and wishes of the poor, than under the existing law. With respect to the extent of the Unions, he admitted they were too large. The Government were anxious to remedy the evil, and for that purpose they had inserted Clauses in this Bill; but the right rev. Prelate would not consider them; he would rather the grievance remained unredressed, in the hope of re-enacting the 43rd of Elizabeth. The Government were accused of want of humanity; yet when grievances were pointed out, and when they sought to apply the proper remedy—when they endeavoured to mitigate the law, to render it more humane in many points in which they thought it too stringent, they were told by the right rev. Prelate the present law should not be amended, for nothing could be effectual without repealing the whole law. He certainly did not think the course recommended by the right rev. Prelate either very considerate or very humane.

The Bishop of *Exeter* begged to say a very few words in reply to the noble Baron. The noble Baron more than once was pleased to charge him with combining with persons out of doors for carrying a certain measure in that House. He did not think that could be wrong if it were so. [Lord *Wharncliffe*: Very far from it.] He begged, however, to say, that he had brought forward his Motion to-night wholly and solely on his own responsibility and to express his own views. That there were many persons out of that House who thought with him he fully believed; he should be very sorry indeed if among the many millions in this country there were not a large portion that thought with him, though none of the seventeen Peers who were going to discuss this measure in Committee did him the honour of voting with him. Without any disrespect to the noble Baron, he must say he was perfectly indifferent whether any one thought he was on this occasion seeking, with other persons out of doors (whoever might be designated by that expression), to effect a particular purpose. The noble Baron thought that he seriously proposed to renew the Act of the 43rd of Elizabeth. What he stated in that House he always stated seriously and sincerely; and what he did say was, that it appeared to him that it was the duty of Parliament now to place on a permanent footing the laws for the relief of the poor in this country, and that the wise course would be, to look to the 43rd of Elizabeth, as the foundation of what they ought to do, that having, on the whole, worked most beneficially for the country; at the same time taking care to add clauses that should meet and prevent the abuses which were introduced by the incidents of 1795, and the high prices of the war. The noble Baron said the 43rd of Elizabeth had been passed in very different circumstances from the present; and so he might say of Magna Charta, but still it afforded a good foundation on which to work. He had not accused their Lordships of want of humanity; on the contrary, he believed them entirely and sincerely anxious to promote the interests of the poor, although he believed them wholly mistaken in the way they were now endeavouring to do it. The noble Baron had referred to the history of the 43rd of Elizabeth, but there was nothing in that Act to confine the poor to their homes. So far from it, there was no restraint whatever, except as to begging. They might work at home, or go where they could get it. He thought that in comparison to the great men who lived in Queen Elizabeth's time and those who obtained Magna Charta, the greatest men of the present day would not be ashamed of being threatened with being placed on a par. When he recollected who had taken a part in the councils of this country when the 43rd of Elizabeth was passed—when he remembered such names as the Cecils and Throgmortons, Lord Keeper Egerton, Lord Coke, and Lord Bacon, and then looked round upon the Peer she was addressing, he was not ashamed of referring to that Act. Mr. Pitt had avowed that the 43rd of Elizabeth was necessarily the foundation of whatever enactment was to be made on the subject. His (the Bishop of Exeter's) recollection of the history of that time did not agree with that of the noble Baron. He believed that those vagabonds to whom he had referred existed in this country long before the suppression of the monasteries. More than that, he believed they were caused by them. There were enactments against those vagabonds in the time of Henry VIII. before the monasteries were suppressed. The noble Baron had pointed out to him what he considered to be his (the Bishop of Exeter's) duty. He must say that it had been his intention, and he had stated it to a noble Friend of his, to give notice, that at an early period next Session he would move for a Select Committee to inquire into the means of divine worship and spiritual instruction afforded in Union Workhouses. He now gave that notice.

The first and second clauses of the Bill were then agreed to.

On the 2nd Clause being proposed, enacting that Justices in Petty Sessions may make an order on the putative father for maintenance and costs, and enforce the same by distress and commitment,

The Bishop of *Exeter* moved that the following words in the Clause be struck out, " and if the evidence of the mother be corroborated in some material particular by other testimoney, to the satisfaction of the Court;" the Clause proceeding to say, that in that case "the Court may adjudge the man to be the putative father of such bastard child." He was aware that that was the law at present, but he considered it a very faulty part of the law. It was perfectly conceivable that the Magistrates might have full confidence of the truth of the evidence of the mother, whether corroborated or not, and in such cases he thought the Magistrates ought to proceed accordingly. There were more objections than one against requiring this corroborative testimony. He should say that in those cases where there was the greatest degree of modesty on the part of the woman, would the difficulty of advancing corroborating testimony be the strongest. If the woman had been seduced—if, although in other respects chaste, she in a moment of frailty had yielded to the man who had addressed himself to her, it was exceedingly probable that she, being a person of great modesty, would become the mother of a child under circumstances which no human being could be aware of save the parties themselves. He thought the very modesty of the mother would prove the means of her being unable to produce this corroborating evidence. If she were a person of a different character she might absolutely take the precaution of having corroborating testimony in order that she might secure a maintenance for the child. Instead, therefore, of being a security, he conceived that the words which he proposed to omit would prove the surest means of defeating the object of the enactment. It was also, in his mind, no trifling objection that they were, he believed, without example, except in the case of high treason. Let it be known, therefore, that according to law, if this Bill were passed, the affiliation of a bastard child would rank with the crime of high treason in requiring corroborating circumstances. If noble Lords thought it a wise enactment he would not trouble them with a division, but it appeared to him absolutely monstrous. Another objection to it was, as he had been credibly assured, that it was productive of the most gross and indelicate exposures, which might under this Bill be repeated and enlarged on by the appeal which it gave to the Quarter Sessions. He was quite ready to give the Magistrates the power of demanding corroborative testimony. He thought they might very usefully demand it when they conceived that the woman was an immodest woman, and desirous of trafficking upon her own wickedness, but when they entirely believed the oath of the woman he was for allowing them to adjudge the man to be the putative father, without additional testimony.

Lord *Wharncliffe* could not agree to the Amendment. The right rev. Prelate had probably had no experience in this matter; but those who had knew that under the old law, that which existed before the present, there were many flagrant instances of men being unjustly burdened with children of whom they were not the parents. The right rev. Prelate was very much mistaken if he supposed that the greatest number of the women who gave birth to illegitimate children were women who had been seduced. It would be nearer the truth to say, that in the majority of cases it was the men who were seduced. The women seduced the men, and then chose from amongst them the persons upon whom they wished to affiliate their offspring. The right rev. Prelate said that this corroborating testimony led to indecencies. He feared that the right rev. Prelate misunderstood the nature of the testimony. The right rev. Prelate's notion seemed to be, that there must be evidence of the fact of the intercourse. That was not necessary for corroborating evidence. It was enough, as in cases of seduction, that the corroborating evidence should merely amount to this—that the parties had been seen together under circumstances which, if they were so inclined, would have favoured a criminal intercourse between them. But it was not at all necessary to have a witness to speak to the fact of an intercourse. His firm belief was, that since the alteration of the law requiring corroborating testimony in those cases the instances of persons falsely charged with bastardy were exceedingly rare indeed.

The Marquess of *Bute* thought the present Clause went a little too far. He preferred the practice of Scotland of not calling the woman at all unless the other testimony failed. He was, however, favourable to corroborating evidence.

Amendment negatived.

The Bishop of *Exeter* next called attention to that part of the Clause which enabled the Court to make an order on the putative father for the payment of a certain sum and costs to the mother of the bastard child, or any person appointed to have the custody of such child. He thought it of most importance that some other mode should be devised of enabling the woman to receive the money awarded. If made payable to her by the putative father, see what the consequences would be. She would have to go to him at certain times to receive it, and he asked whether that would not be almost enacting by law either the repetition of her sin or her maltreatment.

Lord *Wharncliffe* admitted the force of the right rev. Prelate's objection, and would see and remedy it on the bringing up of the Report.

Clause agreed to.

On the 4th Clause being proposed, granting an appeal to the Quarter Sessions of the putative father,

The Bishop of *Exeter* said, there was an appeal at present, and he thought it right there should be, but he wished to know how the expenses of it were to be met by the woman who would have to bring her corroborating witnesses to the Quarter Sessions. He spoke not of farmers' daughters, or persons who might be supposed to have a sufficiency of means to meet such expences, but of paupers, of poor women who actually required the money they sought for the maintenance of their child, and were unable to meet the expenses of the appeal.

Lord *Wharncliffe* said, that no doubt such instances as the right rev. Prelate contemplated might exist, but as the man in appealing was bound by this Clause to give security for the payment of all costs, and as by much the greater part of those who were the object of the Clause would be able to find the necessary means of supporting the original application, he thought no hardship was likely to arise from it. If a woman were unable to pay the necessary expenses, he doubted not that there were many attornies who, if they found the case a good one, would readily take it up. Then let the right rev. Prelate look a little at the other side. Did he think it would be right to make the order of the two justices upon the putative father final?

The Bishop of *Exeter*: No, I have said so already.

Lord *Wharncliffe*: Then you must have an appeal to some court, and I see none more eligible than the Quarter Sessions.

The Bishop of *Exeter* felt the difficulty of the case, and did not see how it was to be got over. He had not considered the details of the Bill, and would not press his suggestion; but he did feel, if they were to carry out their intentions on this point, they ought to devise some mode for rendering the remedy offered to the woman as perfect and as easily attainable as possible.

Clause agreed to; as were Clauses 5, 6, and 7, with some verbal amendments.

On Clause 8 being read, enacting penalties for conspiracy to procure false evidence to prove a man to be the putative father of a bastard child, &c.,

The Bishop of *Exeter* thought the woman equally entitled to protection. The Common Law applied equally to both, and if there was to be a special protection given by this Statute to the man, he saw no reason why they ought not to give the same to the woman.

Lord *Wharncliffe* said he would take the point into consideration, and see how far he could meet the right rev. Prelate's view.

Clause agreed to, as also Clauses 9, 10, and 11, with verbal amendments.

Clauses to Clause 40 were then agreed to.

On the 41st Clause being proposed,

The Bishop of *Exeter* said, he would take the liberty to suggest that the chaplains of the district schools should not be appointed by the guardians, but by the Commissioners. It was true that the Guardians of the District Boards would be of a higher order than they usually were, but as it was not merely a good kind of man who was wanted as chaplain, but a superior man; he thought that the Commissioners, whose eyes were all over England, would probably make a better appointment than the Guardians were likely to make. Mr. Brown, the chaplain at the Norwood school, had shown himself so admirably qualified for his office, that he was desirous that the chaplains who were to be appointed to all the other schools should be equally effective.

Lord *Wharncliffe* said the Clause had been fairly discussed in the other House. He would take the right rev. Prelate's suggestion into his consideration, but he could not hold out much hope to him that it would be adopted. It should be recollected that the Clause, as it then stood, vested the appointment in the hands of the persons who were to pay the Chaplains.

That Clause, as well as the subsequent ones to 53, were then agreed to.

On the 54th Clause, enacting that certain poor should be chargeable to the whole Union, being proposed,

Lord *Redesdale* said, he thought this Clause was likely to give rise to abuse as regarded travelling labourers. He was of opinion, too, that until a party who was found destitute could be brought before the Board of Guardians and relieved out of the common fund of the Union, he should be relieved by the relieving officer of the parish in which he might be found.

Clause 54, and 55, to 63 agreed to.

On Clause 64,

The Bishop of *Exeter* said, he hoped his noble Friend would consider the petition which he presented from the parishoners of Kensington, complaining of their being included in a Union. Their case was one of some hardship, for the population of the parish of Kensington exceeded 20,000.

Lord *Wharncliffe* said, that he would consider the case of the petitioners.

The Clause and the three following agreed to.

Clause 68 was struck out and another Clause inserted, making a slight alteration in the mode of making application by district boards.

The remaining Clauses of the Bill agreed to.

House adjourned.

HOUSE OF COMMONS,

Tuesday, August 6, 1844.

MINUTES.] BILLS. *Public.—Reported.*—Insolvent Debtors. *Private.*—3°· and passed:—Duke of Hamilton and Brandon's Estate.

PETITIONS PRESENTED. By Mr. M. J. O'Connell, from Ireland (72 Petitions), for Repeal of the Union.—By Mr. Masterman, from St. Ann's, Blackfriars, and St. Andrew's-by-the-Wardrobe, for better Observance of the Lord's Day.—By Mr. A. Smith, from Merchants at Bombay, for Inquiry (China).—By Mr. T. Duncombe, from W. Byrne, for consideration of his case.—By Mr. Sheil, from Cashel, and M. Burke, against Charitable Bequests Bill.—By Mr. T. Duncombe, from Merthyr Tydvil, for a Pardon to Jones, Frost, and Williams; from Debtors in Whitecross-street, for Alteration of Insolvent Debtors Bill; and from S. Cobham, for Alteration of Joint Stock Companies Bills.

RAILWAYS.] Mr. *W. E. Gladstone* moved that the Lords' Amendments to the Railways Bill be agreed to. As the Amendments proposed had been fully discussed, he hoped that the House would at once accede to them. The view of the Select Committee on Railways was, that the best course to take (as expressed in their Report) would be to have no legislation whatever upon Sunday travelling, but to leave the matter to the discretion of the Railway Companies. A strong impression prevailed, not only in this, but in the other House, that if Railway Companies were allowed in the exercise of their discretion, to run trains on Sundays, the principle of competition should be disclaimed. At the same time it was thought, that if such companies had the power to do so, they must not decline to make provision for the persons usually known as third-class passengers. On that principle, the Amendment of the hon. Member for Wolverhampton was agreed to; but that Amendment involved a good deal more. The Amendment, as carried by the hon. Member for Wolverhampton (Mr. Thornely) went to impose upon the Government of the country the duty of superintending the management of the Sunday third-class trains. Now, he thought it was impossible for Government to discharge these duties with any satisfaction to the public, as by the proposed arrangements it would be incumbent on the Board of Trade to say when the trains in question were to start, at what places they were to stop, and for what given time; and, in short, the details of every thing connected with the working of railways on Sundays, for the purpose of enabling the poorer classes to travel thereby, would be thrown upon the Board of Trade, and matters would be brought before them which they were very incompetent parties to decide. The course which he would be prepared to recommend to the House, waving his old opinion, would be to accede to the House of Lords' Amendments. They were very simple, and restricted the compulsory obligation to run particular trains, subject to the control of the Board of Trade, to every week-day in Scotland, and in England every week-day except Christmas Day and Good Friday. As to the Clause for carrying third-class passengers on Sundays, there was also a disposition to object to the Clause that it did not provide for the fares to be paid by such passengers. Now, he humbly conceived that it was not possible for the House of Lords to take the question of fares into consideration, and that they had no right to meddle with a power of charging which existed in the Railway Companies. He had no intention to make any proposal on the subject, as any change which he might suggest would compel him to depart from the arrangement to which he had come with the Railway Companies. There was another subject on which he was anxious not to be misunderstood, and it was, that these trains gave to third-class passengers as much accommodation as to the stations at which they stopped as to the passengers of other class-trains. That advantage had been secured by the Clause as it stands. There was but one other point on which a difference of opinion prevailed, viz. whether the third-class carriages run in trains should be covered from the weather, and the seats secured thereby from wet. As to that proposition he hoped that the House would not insist upon it. He did not think that they could adopt it in justice to the Railway Companies, and he believed that the Clause as it stood was more conducive to the objects in view than if such a provision was made. If such was done, the Railway Companies would find themselves in such a condition, that if they complied with the requisition to carry third class passengers in public carriages at the rate of twenty miles an hour, they would thereby offer a premium to the very best class of travellers to avail themselves of so cheap and safe a means of conveyance. Such a train, too, might be run as would meet the provisions of the law by arranging the carriages in a manner so uncomfortable as to exclude from them all but third class passengers. If they interfered with the power of the Railway Company to carry passengers and also with the covering of the carriages, he could not say but that the charge of injustice and indirect interference would be well founded, unless they agreed to prescribe a lower rate of speed, such as twelve miles by way of set off. One of the objects of the provisions as to the third class passengers was, that the labouring classes might be easily carried out of the neighbourhood of large towns into the country, and if they were allowed to go by quick trains, although without any security from being covered, it would give them much greater amount of opportunity for doing so than if their carriages were covered, and the Companies, from the smallness of the fare, were compelled to carry them with less speed. He was willing to propose, on the whole, that the House should accede to the Lords' Amendments. The points embraced in those Amendments were so few, that those who took an interest in the subject would have no difficulty at once in mastering them, and he trusted that the arrangements now contemplated would prove satisfactory to all parties.

Mr. *Thornely* said, that the effect of the Lords' Amendments would be, that Railway Companies should not be compelled to run railway trains on Sunday, but if they did so they should be obliged to attach during that day carriages for third class passengers only. He considered it to be his duty to propose that the charge on Sundays by such carriages should not exceed the charge for third class passengers on other days; and with such an addition he saw no objection to the adoption of the Lords' Amendments. He would move, accordingly, that a further provision be inserted in the rider introduced in the House of Lords to the sixth Clause, that the fare on third class passengers by Sunday trains should not exceed 1*d.* per mile.

Motion agreed to.

BIRTH OF A PRINCE—ADDRESS TO HER MAJESTY.] Sir *R. Peel* said, Sir, I am about to introduce a Motion of which I have not given notice, but I am convinced I shall be acting in accordance with the unanimous feeling of this House if I avail myself of the earliest opportunity of proposing that we should offer to Her Majesty our cordial congratulations on the happy event which has taken place this day. I am sure that there will be one feeling of universal satisfaction throughout this country that an addition has taken place to Her Majesty's family, and thus there is an increased guarantee that the Throne of these realms will long continue to be enjoyed by the direct descendants of Her Majesty. Every increase of domestic happiness to Her Majesty, will, I am sure, be a cause of grateful satisfaction to Her faithful Commons. And I, therefore, beg to move at once, that this House do present an Address to Her Majesty, expressing the sentiments which I have uttered.

Lord *M. Hill* seconded the Motion.

It was accordingly resolved, *nemine contradicente :—*

> "That an humble Address be presented to Her Majesty, to offer the Congratulations of this House to Her Majesty on the birth of another Prince; and to assure Her Majesty, that every increase of Her illustrious Family, and every addition to Her Majesty's domestic happiness, afford the most unfeigned joy and satisfaction to Her faithful Commons."

BOROUGH OF SUDBURY.] Mr. *Christie* wished to know from the right hon. Baronet at the head of Her Majesty's Government, whether the statements contained in the *Morning Herald* newspaper, which was now considered the organ of the Government, were correct, that it was intended to give the franchise to be taken from Sudbury to part of the county of Middlesex?

Sir *R. Peel* said, that among other advantages which the Members of Government derived from their constant attendance in that House was the hearing of interesting reports of which they would otherwise have had no cognizance. As to the report which had appeared in the paper which the hon. Member was good enough to call the organ of Her Majesty's Government, he had never heard of it until mentioned by the hon. Member—he meant the report that Government was about to enrich the county of Middlesex with the spoils of Sudbury. It appeared also to be quite a novelty to other hon. Members. Now, in the first place, supposing that Government had formed any intention on the subject; nothing could be more unwise than to disclose it now, and thus afford food for local agitation during the whole of the recess; and, therefore, if he had come to such a conclusion, he should most cautiously abstain from mentioning it. He did not mean to say whether or not Government had come to a conclusion, and begged that no inference, one way or the other, might be drawn from his observations.

ART UNIONS.] A conference having taken place between the two Houses on the subject of the Lords' disagreement with the Commons' Amendments in the Arts Union Bill,

Mr. *Wyse* appeared at the Bar, and brought up their Lordships' reasons for not agreeing with the Commons' Amendments in the Arts Union Bill. Their Lordships objected to any legislation with reference to particular cases. It was stated by the dissentients that these individuals had sufficient cognizance of the illegality of their proceedings. They had the same knowledge, it was said, as those officially engaged in these Art Unions. He (Mr. Wyse) thought it was necessary to strike out the second Clause, in order to avoid forming a precedent. The House had, with reference to the *qui tam* actions, thrown its protection around certain individuals. The House ought to extend the same protection to those individuals who, by connecting themselves with a society for the promotion of art, had unintentionally violated the law. He, therefore, moved that the House of Commons should insist upon its Amendments.

The *Chancellor of the Exchequer* asked whether it would be politic to insist upon their Amendments?

Mr. *T. Duncombe* said, if the Government would seriously take up the Amendments made by the House of Commons, he was quite sure that both the Bill and its Amendments would be carried, provided the Amendments were insisted upon. A great injustice would be done to three or four individuals if these Amendments were not agreed to by the House of Lords. Had not the House, with reference to certain gambling transactions, protected particular individuals? and it would be a gross act of inconsistency, cruelty, and injustice, if the House did not give those parties interested in the Bill its protection.

Mr. *Bernal* thought the case of these individuals particular cases of hardship. They could not separate these individual cases from the Art Unions themselves. It would be considered out of the House a hard measure towards these persons—individuals who had not, like other parties, the power themselves of bringing their grievances before either House of Parliament. Although he did not agree with the hon. Member (Mr. Wyse) with regard to the great utility of these Art Unions, he still protested against an act of injustice being done to particular individuals.

Sir *R. Peel* knew nothing whatever of the circumstances under which the alterations in the Bill were made. It certainly would be unfortunate if as the result of this interference the Bill was lost altogether, because they could not place the parties in the same position they were in prior to the introduction of this Bill. He hoped that the House would not insist upon its Amendments. He only suggested this course in order to avoid what he conceived to be a greater evil,—viz., the loss of the Bill, and an exposure of those parties to the penalties of the law. It was a great mistake to imagine that the Government had any hostility to the existence of Art Unions. Counsels' opinions had been taken with regard to their legality, and then it was that the Government thought it necessary to give notice to those parties that they were committing a violation of the law. It was under these circumstances that Parliament considered itself justified in interfering. Without giving anything like a guarantee with regard to the course which the Government might think proper to take, he asked for the delay of twenty-four hours rather than hazard the loss of the measure altogether.

Mr. *Wyse* expressed his entire concurrence in what had fallen from the right hon. Baronet, and he would move the postponement of the subject until to-morrow.

The Lords' reasons for dissenting from the Commons' Amendments to be printed, and taken into consideration on the following day.

CHURCH PATRONAGE (IRELAND).] Captain *Bernal* rose to move for Copies of any Letters or Instructions which may nave been written to Lord Heytesbury, relative to the future disposal of Church Patronage in Ireland with reference to the Education Board. An hon. Member, who was not now present, had on a former occasion charged him with an attempt to revive what was called an Irish debate. But he was not open to that charge. It would be in the recollection of the House that the Irish Estimates were delayed to a very late period of the Session; so late, indeed, that the Member for Salford (Mr. Brotherton) was wanting in his supervisal duty in allowing 25,000*l.* to be voted away after twelve o'clock at night. Neither did he think that he was guilty of any undue presumption in moving for these Papers, because the right hon. Baronet (Sir R. Peel) had himself during this Session spoken out boldly in favour of a system of National Education. It was, therefore, but natural for him to suppose that the right hon. Baronet would advance one step further, and having agreed to grant 25,000*l.* additional for Catholic Education, he would give a specific assurance that the system of Church Patronage should be impartially administered. In a letter from the right hon. Baronet (Sir R. Peel) to Lord De Grey, in September, 1841, the right hon. Baronet said :—

> "Let it be understood, that in respect to the Church preferments you will act upon your own sense of duty, and on the result of your own inquiries, and if that sense of duty prompts you to prefer the claims of professional merit, let your inquiries be directed to the ascertainment of those claims. * * * It is absolutely necessary, for the best interests both of the Church and State, that the patronage of the Irish Church should be applied on such principles. I will willingly forego any Parliamentary support which would only be conciliated by a disregard of those principles, though, indeed, the fact is, that if such considerations be attended to, the interests of Government are in the long run much better protected by the honest exercise of patronage than by administering it to favour individual supporters."

The letter read uncommonly well, and the House of Commons was so charmed by its being a private communication of the right hon. Baronet, to the Lord Lieutenant of Ireland, that they took no further proceedings on the subject, believing that those sentiments of the right hon. Baronet had been strictly attended to. But those hon. Gentlemen who had not that strong faith in the right hon. Baronet or in the documents that were to be found in the archives of Downing Street, suspended their judgment until facts should confirm or contradict the terms of that document penned by the right hon. Premier. What was the result? Three Bishoprics fell vacant. Two out of the three appointments that were made by the right hon. Baronet were of persons notorious for their hostility to the National System of Education. In 1841, Lord De Grey appointed the right rev. Dr. O'Brien Bishop of Ossory, who was well known to be opposed to the National System of Education. The next appointment was that of Dr. Stopford, as Bishop of Meath, who was equally well known as an Anti-National Education man. A third appointment was that of Dr. Daly to the bishopric of Cashel, who had been editor of the *Christian Examiner*, most bitter in its denunciations of the system of National Education. A fourth was the Very Rev. H. Newmam, Dean of Cork, brother-in-law of Dr. Daly, and of the same opinions and principles. A fifth was the Very Rev. Holt Waring, Dean of Dromore. A sixth was the Very Rev. H. Newland, Dean of Ferns; a seventh, the Very Rev. H. Packenham, Dean of St. Patrick; an eighth, the Very Rev. Charles Vignoles, Dean of Ossory; a ninth the Venerable Dr. Stokes, Archdeacon of Armargh; and a tenth, the Venerable H. Irwin, Archdeacon of Emly. Thus much for the dignitaries of the Irish Church; and without adverting to minor apppointments, he might observe that the

Lord Lieutenant had the unprecedented number of thirty-nine chaplains, all, with only two exceptions, opponents of National Education. One of these exceptions was the Rev. Mr. Duncan, and for him there was of course no promotion. It might be remembered that in the course of a former debate the right hon. Baronet at the head of the Home Department drew down tremendous cheers by quoting Lord Bacon; but he would now ask him how he could reconcile such appointments with the warm interest he now felt in the cause of National Education. The right hon. Baronet at the head of the Government was reported to have said formerly that the feeling against National Education was gradually wearing out. Nobody acquainted with Ireland would be found to corroborate this assertion, and seeing that professional advancement was to be secured by hostility to National Education, it was no wonder that the feeling was so prevalent. In December, 1841, only two months after the date of the right hon. Baronet's letter, the Bishop of Down and Connor preached a sermon, in which he denounced the system of National Education as little better than inculcating Deism and Mahometanism. There was another point to which he wished to draw attention; the jurisdiction of the Bishop of Cashel and Waterford, and of the Bishop of Ossory extended over several counties, including 320 parishes, and more than 400 clergymen. What would be the conduct of those clergymen? National Education would be effectually excluded. What had been the conduct of Dr. Daly? It was a remark of Lord Orrery, in his *Life of Swift*, that he had been so long in the habit of giving way to his passions, that he at last mistook them for his duties. So with Dr. Daly, who had pronounced so many denunciations against National Education that he might begin to think them well-founded. At his last visitation of Lismore, a clergyman mentioned that he had been to a school upon the National Education principle, upon which Dr. Daly denounced him as having been engaged in doing the devil's work. During a tower of agitation this same peripatetic Prelate had denounced even the right hon. Baronet for entering into a God-denying compact with the Roman Catholics. During the present Session the Recorder of Dublin had presented a petition from the Bishop of Waterford and Cashel and the clergy of his diocese, stating that they could not carry out the system of National Education. One clergyman, indeed, of that diocese, was of a different opinion, the Rev. H. Woodward, who had written a pamphlet in favour of National Education, and who therefore remained only the rector of a parish. He could not help thinking that if Government had sincerely notified its intention of carrying that system into effect, they would not have experienced their present difficulties, and would have moderated the transports of vituperative Bishops. Depend upon it, these ecclesiastical dignitaries, the moment the warm and cheering light of Government favour was withdrawn from their eyes, would cease to kick against the pricks. If one man man more than another were indebted to National Education, it was the right hon. Baronet; it was very well for him to turn round and direct attention to his troops and to his barracks, but if it had not been for the exertions of Father Mathew and National Education, there would have been a rebellion in Ireland before now. If the money had been granted in 1835, and moreover, if an additional grant had been then made to Maynooth, and it had been placed on the footing of a Roman Catholic College instead of a wretched almshouse, he would appeal to the right hon. Baronet, who sat still and did nothing when it was useful to move, what might not now have been the state of Ireland? It was very well for him, under the pressure of circumstances, to come down to the House, to say that he deplored the present condition of affairs, to propose a larger grant to Maynooth, and to throw a little dust in people's eyes by his 25,000*l.* increase for National Education, but he would find that such a course in the long run would not answer his purpose, and that he must speak out and deal plainly. His main object in moving for the papers of which he had given notice was, if possible, to draw from the Government a pledge that, in future, Church patronage should not be given away to the opponents of National Education.

Sir *R. Peel*: Sir, it is perfectly true that I stated to the House, in the course of the late discussion on Irish affairs, that I had written a letter in September, 1841, to the Lord Lieutenant of Ireland, to the effect of that letter quoted by the hon. Member opposite. Whether the words were exactly the same I cannot answer for, but certainly the purport of them was that which the hon. Member has stated. In the course of that debate it had been remarked that one cause of the inferiority of the Irish Church was, that for a long series of years the promotions and patronage had been made conducive to the advancement of political interest. I said that this charge could not apply to this Government, for after the appointment of Lord De Grey it was intimated to the Lord Lieutenant that it was the opinion of Her Majesty's Government the best mode of strengthening the influence of the Irish Church was to appoint to the offices of the Church men of unblemished character and of the highest merit; and that understanding from Lord De Grey it was his intion to make these qualifications the condition of appointments in the Irish Church, that Lord De Grey would never have any solicitation from the Government on account of parliamentary interest in respect to these appointments. This was the understanding and engagement on the subject, and this engagement Lord De Grey did literally fulfil. Her Majesty's Government had never pressed those political or parliamentary claims which other Governments had advanced, believing that Lord De Grey would exercise the Church patronage with fidelity, and according to the principles stated in the letter to which reference has been made. And my firm belief is, that Lord De Grey has acted with fidelity to the understanding which was arrived at between himself and Her Majesty's Government, and that at no period has professional eminence and private character been more strictly adhered to as the rule of recommendation to the patronage of the Church. I do not believe that either parliamentary or political motives have ever influenced Lord De Grey in his recommendations to the patronage of the Church. [Captain *Bernal*: "Hear, hear."] And I again repeat, notwithstanding the hon. Member opposite cheers, that there never was a period when the appointments in the Irish Church were more influenced by a regard to professional character, learning, and professional worth. But what says the Report of the Commissioners? The Report says:—

> "We have the gratification of observing that the unfounded impressions upon the subject of the national system, which we have had on former occasions to notice, are, at length, rapidly dying away."

The hon. Member has referred to Dr. O'Brien, Dr. Stopford, and Dr. Daly. I admit, and I regret the circumstance, that some of the Irish Prelates have exhibited hostility to the system of National Education. I do not mean to deny anything. I do not deny that some have displayed an overforward hostility to the system, but what I stated was, that the professional worth and merits of the parties who received the patronage of the Church formed the exclusive ground of their recommendation. The hon. Member has said that I have only recently exhibited remarkable zeal in favour of National Education. This is not the fact. In 1835, during the short period in which I presided over the Treasury, in that year I proposed an increase of the Vote for National Education. During the whole period of the late Government, did I oppose the Vote for National Education? On the contrary, I gave it my cordial support. As I said before, in 1835 a proposition was made by Government for an increased Vote. The hon. Gentleman quotes a pamphlet written by Mr. Woodward, to whose opinion he attaches much importance. Mr. Woodward begins by saying:—

> "So fully bent is the Government which now sways the destinies of the country upon carrying out this favourite project, that the Prime Minister is reported to have declared his intention of patronising and promoting those ecclesiastics only who will co-operate with him in the design. This report, however, seems to rest on but slender grounds; and it is well that it does so. For surely it were much to be deplored that an Administration who have hitherto dispensed their Church patronage with such clean hands, should, by a rash determination, tie up those hands from the further prosecution of so good a work."

This is the clergyman on whom the hon. Member relies and selects as an example. This very clergyman gives two opinions—first, he says that the Irish Government administered the Church patronage so as to entitle them to public approbation; and next he deprecates all intention of charging on the Lord Lieutenant that the opposition to or approbation of the system of National Education, was to be the test of the fitness of parties to receive the patronage of the Church. And, further, in this pamphlet it will be seen Mr. Woodward expressly states that up to the year 1843 he had been opposed to the system of National Education. Mr. Woodward in the pamphlet distinctly states that he never manifested any particular zeal in favour of the system up to a late period, and yet the hon. Member remonstrates with me because this Gentleman still remains a rector. I stated that I thought the objections to the system of National Education were gradually decreasing. And on what grounds did I make this assertion? I stated it on the authority of the Commissioners interested in the carrying out this system—the Archbishop of Dublin, Dr. Murray, Sir A. R. Blake, the Solicitor General, and others, who presented the last Report to this House. This Report distinctly states that the Commissioners have gratification in observing that the unfounded impressions on the subject of National Education, which existed at the outset, were at length rapidly dying away. So it will be seen it was not an unsupported opinion of my own, that the objections to the system were gradually weakening. I referred to the Report of the Commissioners, and from that Report I obtain an account of the increase which has taken place in the number of schools and scholars within these last few years. The Report in question states as follows:—

Date.	No. of Schools.	No. of Children.
1839	1581	192,971
1840	1978	232,560
1841	2337	281,849
1842	2721	319,372
1843	2912	355,320

At the close of 1842 we had 2721 schools in operation, attended by 319,792. At the close of 1843 we had 2912 schools, which were attended by 365,339 children. The increase in the number of schools amounted within the year to 191, and the increase in the attendance of children to 35,528. This, then appears to be a complete demonstration that the system is spreading; that the number of schools and of scholars is increasing; and that the increase does not arise from the increase in the number of the Roman Catholic children, but that the objections to the system are in fact fast vanishing. I do sincerely believe that many of the objections felt on the part of the clergy of the Established Church arose from mistaken impressions as to the intentions and objects of the system. I believe a general impression existed that the Divine Scriptures were absolutely interdicted in some of the schools. This impression arose from the fact not having been closely examined into, and this occasioned those vehement objections to participate in or to promote the system of National Education. But such is not the fact; and I am glad to have an opportunity of inculcating on the Protestant community of Ireland that no such prohibitions in respect of the Scriptures is contained in the National System of Education. On the contrary, it will be found that in 1000 of these schools the Scriptures are read daily, and that in 1400 extracts from Scripture are read. These details will be found in the Report. From a paper which was laid on the Table by order of the House of Commons last Session, I find that in 944 schools the Scriptures were read, and in 1300 the Scriptural extracts which the Commission published were read. So, therefore, the Report is totally without foundation that there is any prohibition of the reading of the Scriptures in these schools. What is the rule of the Commissioners on this head? The rule is published, and every one who impugns the system ought to have cognisance of it. The rule is that

> "The patrons of the several schools have the right of appointing such religious instruction as they may think proper to be given therein, provided that each school be open to children of all communions—that due regard be had to parental right and authority—that, accordingly, no child be compelled to receive, or be present at, any religious instruction to which his parents or guardians object—and that the time for giving it be so fixed that no child shall be thereby in effect excluded, directly or indirectly, from the other advantages which the school affords. Subject to this, religious instruction may be given either during the fixed school hours or otherwise."

So that any of these schools may be attended by Protestant and Roman Catholic children, and there the Scriptures will be read. The next rule was

> "That the reading of the Scriptures either in the Protestant authorised or Douay version, as well as the teaching of catechisms, comes within the rule as to religious instruction."

The pamphlet of Mr. Woodward is useful. Speaking of the regulations of the Commissioners, he states the several impediments in the way of clergymen or laymen of the Established Church becoming patrons of the national schools. Mr. Woodward then quotes the two orders to which I have referred, which shows that the Scriptures may be read in the schools, provided due regard is had to those differences in creeds for which provision has been made.

"Now," said this rev. Gentleman, "What, I would ask, would a patron desire more than this? What could he want beyond being enabled to read and explain the Scriptures for an hour each day to his own children, and to as many others as are willing to avail themselves of the opportunity; and, besides that, to convey what religious instruction he may think fit?"

With such an impression, he added that he was not disposed to place himself in opposition to the system of National Education in Ireland, being desirous to derive all the benefit from the system it might possess or offer in the way of education for the mass of the people in Ireland. In answer to the question put by the hon. Member, I say that it is the intention of Her Majesty's Government warmly and cordially to give our support to the system of National Education in that country. I might add, as a proof of the sincerity of our intentions, that an application having been made for a separate grant in aid of other schools in connection with the Established Church, the Government had declined to recommend the grant, from a fear that a separate Parliamentary grant for such a purpose would defeat the object they had in view—united instruction of the children of persons of different religious creeds in one class of schools. The Government had reason to apprehend, that the effect of such a grant would be to induce the Protestant parents to withdraw their children from the present general system of instruction to place them in their own schools, and thus a separation would be effected in respect to the education of children of Roman Catholics and Protestants. It was suggested, that if it were granted there was great reason to expect that the Presbyterians in Ireland, who had hitherto displayed a sincere desire to co-operate with the promoters of the National System of Education, might feel they were entitled to a grant for the establishment of separate schools on their own principles, which would be a still greater inconvenience, as the co-operation of the Presbyterians would thus be lost, and three different and separate systems of education would be in operation, instead of one. I am fully aware of the advantages which the present system of National Education offers, and therefore I will not consent to abandon the Vote of the House for enlarging the means of a general and united system of education in Ireland, embracing the children of Catholics, Protestants, and Presbyterians, with permission to the pastors of each persuasion to instruct the children of their flock one day in the week, and without the exclusion of the Scriptures from the use of the scholars upon the other days of the week. With respect to the correspondence required to be produced by the hon. Member, there is no such correspondence in existence. I had an interview with the noble Lord before he went to Ireland, in which this subject, amongst others, was discussed. That noble Lord knows full well it is the intention of Her Majesty's Government to support cordially the National System of Education of Ireland. He knows what are our sentiments with respect to Church patronage in that country. I have not pressed upon his Lordship any condition that in dispensing Church patronage there, he was to make advancement dependent upon political considerations, or the course which members of the clergy of the Established Church might adopt with respect to the system of National Education, from a conviction that it would be unwise in this way to enlist their pride in opposition to that system of education. I should be sorry to place the dispensation of Church preferment upon grounds so base. I wished it to be dispensed upon the only justifiable grounds, that is to say, upon the grounds of ability, activity, and purity of life in the clergyman preferred, convinced that if preferment were made to depend upon a clergyman's subscribing to any particular opinion, or set of opinions, as a test of his fitness for preferment, all hope of success in our object by means of Church preferment must be at an end. There is no such correspondence, at,I repe as that which the hon. Member requires, and I will say that no consideration could ever induce me to adopt such a test of fitness for clerical promotion. I repeat that it is the intention of Her Majesty's Government to give to the National System of Education its warm and cordial support.

The Rev. Mr. Woodward begins his pamphlet by saying he claimed a right to address the clergy of the Established Church in Ireland, in consequence of what he had urged ten years before, in 1834, upon the subject of his indifference to Church preferment, in a pamphlet on the subject of tithes.

> "For my part," says he, "in making these observations, I have no purpose to serve but the discharge of my own conscience, I seek the favour of no party. I expect no larger benefice than the one I hold; nor have I the slightest wish for advancement."

Having thus disavowed, in 1834, any desire for advancement, in the words I have quoted in his late publication, he writes:—

> "My first impression when I heard of the plan of National Education was, I will confess, that in the discipline of the schools an unholy attempt was ventured on, so to amalgamate discordant creeds as to form a kind of neutral compound for the scholars. Whether anything of this kind entered into the original intention of the Board I know not, for I have very little acquaintance with the subject; but assuredly in the present conduct of the plan, they are wholly cleared of such a charge. On the contrary, one of the grand objections of the Committee of the Church Education Society to the National Board is, that they will not sanction the very amalgamation I so much deprecate."

So far I have been induced to enter into the arguments and statements of the rev. Gentleman alluded to by the hon. Member, and I shall now only add that in my opinion there never was nor could be devised a plan less likely to conciliate the Protestant and Catholic population of Ireland than that which would result from adopting the advice of the hon. Mover, which advice must obviously have the appearance of insinuating that men filling the sacred office were open to the influence of selfish motives when they changed opinions they had once conscientiously entertained.

Mr. *Wyse* was glad that public apprehension would, in a great degree, be removed upon this subject by what had passed on the present occasion. Stronger evidence of the gradual removal of prejudices could not be adduced than the increase in the number of schools and in the number of children sent to them; and it ought to be added, since it was an important addition, that the increase had been much larger in the north than in the south and west of Ireland. Any grant intended for the education of the lower classes of the community must go to a greater amount towards the Catholic majority than towards the Protestants, but the education of every peasant must be a benefit to the whole community. A charge had been often urged against the Roman Catholic Clergy of being opposed to the reading of the Scriptures. He had repudiated the charge more than once: he had himself seen a bible printed by a Catholic Prelate in the north of Ireland in the same form as the authorised version, for which there was the full authority of the Pope, sanctioning the reading, and in addition to this Father Mathew had, at his own expense, also printed a bible. That charge, therefore, was unfounded. One of the chief objections against the national system had been the inspection of the schools; those prejudices had altogether passed away, and the parties were now glad of an inspection, which taught them the improvemets which had taken place elsewhere. Another great improvement had taken place in the mode of writing the books intended for the classes. Their value was best shown by the universal circulation of the books amongst all classes of the community. He believed that they were the best productions of their kind in any country, and had been in circulation not only in America and in France, but had also been translated, and were used in Italy. What he would be anxious to dwell upon, however, were the words of the right hon. Baronet, that he would give to the system not only a general and Ministerial protection, but a warm and cordial support; but to give this warm and cordial support he must see the execution of his intentions left not to persons absolutely bound and pledged, but at least to those who had not given opinions indirect, he might say factious, hostility, to which his hon. Friend had ascribed many of the appointments. If the right hon. Baronet were anxious that the system should be worked cordially and warmly, he would find that it could not be worked by Prelates directly opposed to the plan. He regretted, with respect to the Bishop appointed to the Diocese with which he was himself connected, that his conduct should contrast so strongly with that o his predecessor, who had mingled the performance of his high duties as a Protestant Ecclesiastic with consideration and good feeling towards his Catholic fellow subjects, and who not only attended the schools as a part of his duty, but also assisted in every charity for the Catholics. Such were the watchers over education which it would do well for the right hon. Baronet to appoint—not fettering them and compelling them to adopt the national system, but directing their favourable attention towards it. If he would do this, the time would come when he would not hear such Motions as this of his hon. Friend, and would have to gratulate the House not only upon the progress of education, but upon a rich harvest, ripened by the spontaneous support of the people of Ireland.

Viscount *Ebrington* could have wished that the speech of the right hon. Baronet had been delivered upon some former occasion, when the question of Irish Education had been attacked, and had not reserved it for the period when he had the weight of Government upon his shoulders. Had he before stated his views the weight of his opinion might have mitigated the bitter and incessant hostility of the party by which he was surrounded and supported. He thought that it might have had influence with the hon. Member for Oxford, and might have dispelled what the right hon. Baronet himself admitted to be the utterly unfounded delusion as to the principle of the system which had pervaded not only this country but Ireland. It was now too late in the day to claim the character of a candid and warm supporter of those schools. Whether the right hon. Baronet, might upon some occasion, have given a silent vote in their favour he knew not; but when the system was threatened, and when it with difficulty bore up against the attacks, any expression of support from him would have come with a different force, and would have produced different results. There would have been no reason then to doubt the zeal which he now professed to feel, or to suspect that political motives were blended with his conscientious desire to extend the National System of Education in Ireland. Among the recommendations of the persons whom he had promoted to dignitaries in the Church was not that of accurately looking at a subject before they pronounced an adverse opinion as to what did not exist, for he believed that there was no one of the divines alluded to who had not sanctioned with his high authority, and had not disseminated the very delusions and errors which he (Viscount Ebrington) trusted the speech of the right hon. Baronet that evening would extinguish for ever. It had been well said that those who lived in glass houses should not throw stones. Upon a recent occasion the right hon. Baronet thought fit to throw out an insinuation against the rev. Dr. Hudson, dean of Armagh, that his only recommendation to the sinecure which he enjoyed appeared to be his large private fortune. That was not his recommendation, it was his zealous support of the National Education System. The right hon. Baronet called him a sinecurist. He was so, thanks to the Government, whose Attorney General had reconsidered the legal opinion he had formerly given, that the living of Armagh, with a cure of souls, was really attached to the deanery. But how did he employ his sinecure? He did not receive one farthing from the deanery; he was not one farthing the richer for it. He divided its revenue into four equal parts, one of which defrayed the tithes, taxes, &c., to be paid upon it. Another he devoted to the local charities of Armagh; another to the promotion of education, almost entirely in schools connected with the National Education Board, and the remainder to the promotion of temperance. It was only an act of justice to say thus much of Dr. Hudson. He only wished that the Dean whose establishment had been recently brought under the notice of the House had spent his income half as well. He was glad to find that the scruples of some of the Protestant Clergy with reference to these schools had been dispelled. He knew that many of the Clergy of the Establishment, especially in England, had come to the same conclusion as Mr. Woodward, that their objections to the system, as not allowing the reading of the Divine Scriptures, were untenable; and he thought the right hon. Baronet might better follow up his good intentions, than by making speeches in Parliament on the one hand, and promoting those who were scarcely known but for their hostility to the Board of Education with the other.

Mr. *Darby* had the pleasure of knowing Mr. Woodward, who had been, at one time, unfavourable to the system, but had now sanctioned it: and if the rule suggested by the hon. Gentleman opposite had been adopted, they would have excluded from appointments such a man as

Mr. Woodward, who, upon further consideration of the subject had changed his opinions. Whether the Clergy of Ireland had or had not conscientious objections to the system, he thought they ought not to abstain from visiting the schools and preventing abuses. He thought this was the best thing for the clergy to do, even if they did object to the system. But when they talked of bigotry and intolerance, he must say that to declare a man who conscientiously objected to the system, and yet did his duty in every way besides, and was an able man, should be, on that account alone, excluded from preferment, would be the worst possible way of promoting the object which the hon. Gentleman opposite had in view.

Mr. *Sheil* did not complain of the right hon. Gentleman for not laying down a rule of exclusion, but what they did complain of was the practice. The modes in which the Government had exercised control, had effectually counteracted their own intentions. The right hon. Gentleman looked upon the system as fraught with benefits to the community, and declared that he would give to it his warm and cordial support. But how, and in what manner, did he give it? If the patronage of the Crown were applied in conformity with the system under the protection of the right hon. Gentleman, he would select those who were attached to the policy he supported. Let not the Government imagine that he charged them with any want of sincerity, they had given proofs of it sufficient, which some might argue upon, but none could controvert. But they had not carried out their support in an effectual way. He did not wish them to exclude every one who had opposed the system, but in practice, they had excluded every one who supported it. He had heard the list of the appointments read by his hon. Friend. The Government were charged with not having appointed one who supported the system. There were O'Brien, and Stopford, and Daly, and Newman, not one of whom was a supporter of the National Board. Their hostility was open, avowed, and undisguised; and he said that such appointments counteracted the intentions of the Government. They were not serving the Church by them—they were placing the Church in hostile array to the people—they were making it odious to the people. They saw this phalanx opposed to one of the most important measures, and they thence assumed that the Church of Ireland was hostile to this useful measure, and this excited, and justly excited, the hostility of the Irish people to that Church itself. How did this come to pass? The right hon. Baronet said that he did not control Lord De Grey as to his Church appointments. It was understood that the Irish Secretary had no control over the ecclesiastical appointments, but that they were left to the Lord Lieutenant whoever he might be. Surely the right hon. Baronet said that he had left those appointments to the Lord Lieutenant without control, and he said that these appointments were made in a manner which was injurious to the system supported by Government. But then it was said that this was a question which did not interfere with the Church, that it was a question merely political. It was not merely a political question, but was a religious question, it was a moral question. From the Education Board flowed morality, and charity, and Christian love; it was then a question of morals, and therefore religious. He thought they did wrong not to institute to preferments partizans of the system with merits for their appointments. His hon. Friend had spoken strongly against the Irish Church, but not half so strongly as the noble Lord the Secretary for Ireland had spoken, to the surprise of his Friends in that House, and to the disappointment of those in Ireland. The noble Lord had declared that the conduct of the Church had been most factious in this regard. [Lord *Eliot:* No, no.] The noble Lord certainly used the word "factious," and the term rendered him the subject of paragraph after paragraph in the columns of the *Evening Mail.* The word was certainly used, and he was surprised that the noble Lord's memory was so treacherous upon the point. The noble Lord found the whole Church arrayed against him—he found a misapprehension of facts, and a misapprehension of sentiments—and it was but natural that, in his exasperation, he had said that the conduct of the Church was factious. Were they not justified, then, in asking the Government to reconsider this question, and to decide whether a course more consistent with the feelings of the Government might not be adopted? The new Lord Lieutenant had continued in office as chaplains thirty-nine men, all of whom were opposed to the National Board, with two exceptions. If he thought they were acting a double part, he would not ask them to reconsider the subject, but he knew they were not; still they were acting a part which Mr. Burke had condemned again and again. Let them look at the very last work of that eminent statesman; they would find it laid down that the best intentions of the Government had been counteracted by their own officials, and so it was here. The dignitaries of the Church were selected on account of the hostility they displayed to the system supported by Government. He hoped, sincerely, as they were at the end of the Session, that they would part in good humour; there were many intimations given by the Government, for which he was thankful, and more particularly for the promises that they would promote education; he only regretted that they should have done anything to mar its good effects, and to disfigure, if not wholly to destroy, their good work.

Lord *Eliot* said, that as reference had been made to some expression of his two years ago, he wished to make one or two observations. This was the first time he was aware that the expression alluded to by the right hon. Gentleman had ever been attributed to him as applied to the Clergy of the Established Church in Ireland. What he said on the occasion referred to by the right hon. Gentleman was that in the communications he had received the failure of the system was attributed to the hostility of the Clergy of the Established Church, but that he was sure that hostility was governed by the most conscientious motives. He believed that if he had on that occasion made use of the expression alluded to, there were several of his hon. Friends behind him who would at the time have called upon him for an explanation of it. It was now some time ago, and he could not pretend to recollect every word he spoke on the occasion, but he was sure that he spoke with respect of Clergy of the Established Church, and declared his belief that their opposition was based upon conscientious motives. He differed altogether from the right hon. Gentleman if he thought that no Clergyman ought to be promoted unless he sacrificed his conscientious opinions, and as to the appointments of Lord De Grey, they were guided solely by a view of the zeal and ability and character of the individual, in utter disregard of all feelings of party. In the whole list there was not one who possessed any family influence, or could be said to have got promotion on such grounds. [Mr. *Sheil*: Bishop Daly.] Dr. Daly was certainly the brother of a gentleman who had been Member for an Irish county, but was no longer so, and surely this was no reason why his claim should be overlooked, he being in every other sense fully qualified. He believed that the majority of the most eminent divines of the Established Church were opposed to the National System of Education, but was this to deprive them of all claim to preferment, if they performed all the duties of a parish priest in an efficient and exemplary manner? He believed that although there was still considerable hostility to the National System, the opponents of the measure were beginning to look calmly into the matter, and to think that they may have been labouring under a misconception, and he believed that in a few years a great change of opinion would afford the means of a more beneficial application of the system, but that change must not be the consequence of any suspicion of a compromise of honour by a dispensation of promotion. When distinguished divines found that they were not proscribed on account of their conscientious opinions, they would begin to examine the system more calmly, and would see that it became their duty to superintend the schools, and improve them as much as they could, although they might not agree in the principle on which they were founded. He would repeat, that no Lord Lieutenant had ever dispensed the patronage of the Church in Ireland with more perfect impartiality than Lord De Grey did; or with a more anxious desire to select divines the most eminent for their ability, zeal, and piety; and to refuse promotion to such men, because of a difference of opinion, must surely be an injustice.

Mr. *M. J. O'Connell* asked whether the Government thought they promoted the interests of religion or of the Church in a great district, and in two extensive counties, in which there were many Catholics, by placing at the head of the Church there a man who had used such language as had been quoted by his hon. Friend? He was indebted to the noble Lord for a statement of Dr. Daly's qualifications, for all he had heard of his work as a parish priest at Powerscourt was, that during the minority of Lord Powerscourt he had advised the mother of that noble Lord to refuse the Roman Catholics a site for a place of worship, and that they were in consequence obliged to worship in a barn. He (Mr. O'Connell) believed, that upon one of the occasions referred to at Lismore, last year, he had told his congregation to avoid intercourse with Roman Catholics, and had enjoined, above all, Protestants in a wealthy condition of life not to employ Catholic servants. He believed that those were facts which could not be denied. There was a rev. Gentleman in Trinity College, known for his literary attainments, who had been passed over, but as for Dr. Daly, in the name of all that was sacred, what had he to do with literature? He had never heard of him, except as the Editor of the *Christian Examiner* [And of the "Life of Lady Powerscourt" from an opposition Member]. He (Mr. M. O'Connell) had never heard of that work, and except for the instance of intolerance which had been cited, and for his opposition to the National System of Education, he had never heard that Dr. Daly was distinguished for anything. Perhaps his brother's services had been rewarded vicariously through him, and indeed it had been said that the Mitre had been substituted for the Coronet in the family of the Daly's. But, of course, on the principle on which the right hon. Baronet administered his patronage that could not be.

Lord *Eliot* wished to say one word in explanation. Since he addressed the House an hon. Friend of his had brought him the *Parliamentary Debates* where he found the observations he had made on the occasion to which the right hon. Gentleman opposite (Mr. Sheil) had just now referred, as to the hostility of the Clergy to the National System. He found that what he said was this:—

> "He could assure the House that there was no dislike on the part of the Protestants to send their children to the national schools, and although the Protestant Clergy were opposed to the system, he did not doubt that they were influenced by conscientious motives."

The right hon. Gentleman did him an injustice, therefore, if he supposed that he had any intention to depreciate the Protestant Clergy of Ireland.

Captain *Bernal* did not wish the right hon. Gentleman opposite to lay down any fixed rule, but he did wish him to appoint Clergymen to clerical offices who were not strongly opposed to the System of General Education.

Motion withdrawn.

House adjourned at half past eight o'clock.

HOUSE OF LORDS,

Wednesday, August 7, 1844.

Minutes.] Bills. *Public.*—2ª· South Sea Company.

Reported.—Fisheries (Ireland); Arms (Ireland); Consolidated Fund Appropriation.

3ª· and passed:—Merchant Seamen; Clerks to Attornies.

Private. — 3ª· and passed:—Middle Level Drainage and Navigation.

Petitions Presented. From Glasgow, and several other places, against the Dissenters Chapels Bill.—From Edinburgh, and numerous other places, for Legalizing Marriages solemnized by Presbyterian and Dissenting Ministers in Ireland.

HOUSE OF COMMONS,

Wednesday, August 7, 1844.

Minutes.] Bills. *Public.*—1°· Medical Practice.

Reported.—Roman Catholic Penal Acts Repeal.

3°· and passed:—Insolvent Debtors.

Petitions Presented. By Colonel Verner, from Protestant Association, against Roman Catholic Penal Acts Repeal Bill.—By Mr. Lascelles, from Westmoreland (Jamaica), against Reduction of Differential Duties.—By Mr. Hawes, from P. W. Crowther, and Mr. Kemble, from Bermondsey, against Insolvent Debtors Bill.—By Mr. T. Duncombe, from Colliers of Northumberland, and Durham, complaining of Poor Law.

Collier's Strike.] Mr. *T. Duncombe* presented a petition from the delegated miners of the counties of Durham and Northumberland, complaining that hundreds of persons had been introduced into those counties for the purpose of displacing the labour of the men who had struck work, and that it had been done under the authority of the Poor Law Commissioners. He would take that opportunity of asking the right hon. Baronet a question upon this subject. He had been informed that Sir John Walsham, an Assistant Poor Law Commissioner, had been instrumental in sending into these counties hundreds of persons from Ireland and Wales, for the purpose of interfering in the dispute, unfortunately so long protracted, between the miners of those counties and their employers. He wished to know whether this report were true, and if so, whether the right hon. Baronet thought that the provisions of the New Poor Law gave any power for such an interference with the rights of labourers?

Sir *J. Graham* said, that since yesterday, when the hon. Gentleman gave him notice of his question, he had not had an opportunity of applying to the Poor Law Commissioners on the subject, but he was quite prepared to state that in his opinion the provisions of the New Poor Law gave no such power as that adverted to. Sir John Walsham's duties, as an Assistant Poor Law Commissioner, were wholly confined to the counties of Norfolk and Suffolk. He had formerly been in the northern district, and he was possessed of property in Herefordshire and South Wales, so that he might have been instrumental in procuring labour for some of the proprietors in Durham, but he had not so acted in his capacity of Assistant Poor Law Commissioner. He deeply deplored the long protracted struggle which had existed between the workmen and their employers in these counties, and the importation of fresh labourers must be productive of much misery, but it was a course which the masters were driven to adopt and which must have been foreseen. He deeply deplored the importation of fresh labour into counties where it was already abundant, but there were no means available for preventing it.

French Aggressions in Africa.] Viscount *Ebrington* wished to ask a question of the First Lord of the Treasury, of which he had given notice, respecting an agreement prejudicial to our commerce, reported to have been obtained by the French from the chiefs of the Gaboon river, on the west coast of Africa. From the memorial, signed by the chiefs of the banks of that river, which was addressed to Her Majesty, it appeared that the French had, in the month of March last, obtained from the King a paper, conferring upon the French authorities the power of regulating the commerce of the territory, and requiring the French flag to be raised in their towns above those of all other nations. It was said that the King and several of his chief men had been intoxicated, and in that condition induced to sign a paper, transferring the sovereignty of their territories to the French, under the impression that it was a mere formal letter of civility to his Majesty King Louis Philippe. This was said to have been done by M. Amouroux, master of a French merchant brig, and the natives, it appeared, were greatly indignant as soon as they had discovered the imposition practised upon them. As any addition to the settlements of the French on the Guinea coast was of importance to the commercial interests of this country, he wished to know whether Government had received information as to the transactions in question, and whether they had taken any steps with relation to them?

Sir *R. Peel* said, his right hon. Friend had received a memorial from some merchants trading to the western coasts of Africa, complaining of certain acts done by the French authorities in the Gaboon river, and which were stated to be prejudicial to the commerce of this country. The memorial had been presented to Her Majesty, and by her referred to the Secretary of State for Foreign Affairs. But it was drawn up on a total misapprehension of how matters stood upon that coast. For instance, it stated that the Board of Customs had always looked upon the settlement on that river as a British settlement, and that our flag had been flying there for years. Now, that was a total misapprehension of the facts of the case. Our flag had never been hoisted there by any one having authority to do so, and he was informed that the goods imported from this country were always looked upon to be, and paid duty as, foreign goods. He could give no assurance of any proceeding being taken by Her Majesty's Government upon the memorial, but undoubtedly the facts it detailed would be inquired into.

On the Motion of Sir R. Peel, that the Order of the Day for receiving the Report of the Roman Catholic Penal Acts Repeal Bill be read,

Foreign Policy of Ministers.] Viscount *Palmerston* said, I do not mean to advert to the subject of the occurrences on the west coast of Africa, but I wish to take this opportunity of making a few observations with respect to the position in which the Foreign Affairs generally of the country now stand, as it is the last occasion which will present itself. I am anxious to call the attention of the House and of the Government to the inconvenient consequences which have arisen from the system of policy pursued by Her Majesty's present advisers — a system which appears to be one of resistance at home and of concession abroad. When the right hon. Gentlemen opposite came into office, they adopted a course which they probably thought would lead to a state of tranquillity abroad, and secure to them the good-will of Foreign Governments. I doubted at the time the success of that line of policy, and affairs which have arisen since must have convinced

Ministers, as they have convinced the country, that it is not a system calculated to advance the interests or to uphold the honour of this country. They commenced by making a great concession to the United States, in the hope, no doubt, that by such means they would restore perfect harmony between the Governments of the two countries; but the result instead was, that after the cession of the greater portion of the disputed territory, another question arose, namely, that concerning the Oregon territory, which promised to lead to as many difficulties as that respecting the north-east boundary. Then there were the questions of the right of visit, and the annexation of Texas to the United States, which were of great importance to the interests of England, and which yet remained to be resolved. In like manner with regard to France; the policy they adopted towards that country was of the same character and tendencies. In Spain, shortly after their accession to office, there occurred questions of considerable difficulty, the embarrassments connected with which were fomented by French intrigue, and Ministers, out of deference to the French Government, counselled the Regent of Spain to submit to great indignity in the question which had arisen with M. Salvandy, the French Ambassador, and also in the affair regarding the conduct of M. Lesseps, the French Consul at Barcelona. The consequence of this was, that the Spanish nation had felt that the Regent had lost the moral support of this country, and his enemies were allowed to prevail. He fell, and British interests, in my opinion, were sacrificed in his downfall. In Otaheite a question arose as to whether France should accept the Protectorate of the island, which had been refused by England; which, indeed, had been twice refused by England; but, be it always remembered, that the former Government who had declined the offer, had assured the Government of Tahiti, that England would always give it the support of her good offices in any difference which might arise between Tahiti and any Foreign Power. When that question presented itself, Her Majesty's Government again acquiesced, and that acquiescence in French aggression led that Power to take another step which may be productive of very serious consequences. No doubt that line of policy was undertaken for the purpose of obtaining temporary quiet, and without foresight or regard as to what the eventual consequences might be, putting aside all care for the ultimate sacrifices which must be made in following such a course. Ministers, in fact, appear to shape their policy not with reference to the great interests of their own country, but from a consideration of the effect which their course may produce upon the position of Foreign Governments. It may very well be a desirable object, and one worthy of consideration, that a particular individual should continue in the administration of affairs in another country, but it is too much that from regard to that object, the interests of this country should be sacrificed, and that every demand of Foreign Powers should be acceded to. The same course, indeed, was pursued by the party opposite on former occasions. In 1830, the French were allowed to obtain possession of Algiers. The right hon. Gentlemen opposite were then in office; they remained quiescent, in order that the Ministry of Prince Polignac might be maintained in power, and we were all aware of the consequences which have arisen from their acquiescence on that occasion. No doubt it is for the interest of this country, it is for the interest of France herself, as well as for the interests of the world, that M. Guizot should remain Minister of France, but the Government of this country has no right to sacrifice either the honour or the interests of England, in order to continue M. Guizot in power. What is the consequence of pursuing such a course? When questions arise between the two countries—when the British Government wishes that something should be done, or that something should be refrained from—all that the French Government have to do, in order to avoid compliance with the demand, is to get the so-called war party and the opposition newspapers to abuse them, and to call for their expulsion from office. The French Government then come to the Government of the right hon. Baronet, and represent that if they were to be compelled to do one thing, or were required to refrain from doing another, their existence would be endangered, and then Her Majesty's Ministers frightened at the notion of a change of Government in France, sacrifice the interests of their own country for the purpose of saving the Government of France. It seems to me that the system of purchasing temporary security by lasting sacrifices, and of placing the interests of Foreign Ministries above those of this country, is one that never can be worked out with advantage either to the honour of this country, or to that of the Administration which pursues such a course. Since the accession to office of the right hon. Gentleman opposite, no one can have failed to observe, that there has been a great diminution of British influence and consideration in every foreign country. Influence abroad is to be maintained only by the operation of one or other of two principles—hope and fear. We ought to teach the weaker Powers to hope that they will receive the support of this country in their time of danger. Powerful countries should be taught to fear that they will be resisted by England in any unjust acts either towards ourselves or towards those who are bound in ties of amity with us. But after the abandonment of Spain by Her Majesty's Government, what weak power can retain any hopes of moral support or of effective aid from this country? And after we have ceded and given up the disputed territory in North America, what powerful country can entertain any apprehension of our resistance to encroachment? Although Her Majesty's late advisers had sometimes the misfortune to be in a minority in the House of Commons, still in their Foreign Policy they had the good fortune always to be in the majority on the Belgian negotiation. When the Dutch were intractable, we had the assistance of France and Belgum, and we controlled the Dutch; when afterwards the Belgians grew unreasonable, we had the support of Austria, Russia, and Prussia, and we restrained the Belgians. In Portugal, when we wished to establish the Constitution and Donna Maria, we had France and Spain on our side, and we carried our point. In Spain, when we were desirous of upholding Isabella and Liberty, we had France and Portugal with us, and we carried our point. When we decided to affect an arrangement in the Levant, which we thought essential for the peace of Europe, as well as to the interest of England, we had Austria, Russia, Prussia, and Turkey with us, and that arrangement was carried into execution. In all these great questions Her Majesty's late Government had the concurrence and co-operation of all those Powers which were nearest to the scene of operations, and were, from their local position, the best informed upon the subject, the most able to co-operate, and the most interested in the policy pursued. What may be the influence of the present Government I know not, but while it is exercised upon the system I have pointed out, and when important and permanent interests are sacrificed for the temporary convenience of Foreign Governments—it can never be exercised in a manner which will be satisfactory to this country. I am most anxious that the House, the country, and the Government itself, should direct their attention to the results which have already arisen from the mistaken system on which Ministers set out, and which they appear still to pursue. It is a system of all others the most likely to lead the country into serious difficulties, and which has already produced occurrences which may involve us in war. It is said, that there are parties in other countries, whose constant cry is for war, but I am totally incredulous about these so-called war parties. No doubt there may be individuals or small knots of men, in other countries, who may fancy that they can promote their own political views by holding warlike language; but I do not believe that in any country there is any party sufficiently powerful by their weight and numbers to influence the policy of their country, who really wish for unprovoked and unnecessary war with England—I believe nothing of the kind. Even under the present Government, this country is still powerful enough to make any other nation pause before they enter into a war with England, unless it be in their own defence. I would not have Ministers stand out with any other country upon other than just grounds, but having once laid down their ultimatum, it will never be satisfactory to the country if they recede except upon open and fair reasons. I will only add a single observation with respect to the recent occurrences at Otaheite. It has been alleged, certainly not in this House, but it has been asserted elsewhere, that Mr. Pritchard was not a British Consul at the time of his imprisonment and expulsion, and that the French were at that time entitled to exercise the right of sovereignty over the island. Now, most undoubtedly an officer of any Government can only assume for his Government the sovereignty over another nation provisionally, and subject to the approbation and recognition of the act by his own Government: until that approval is given, no act of sovereignty on his part can be valid. If the French Government had adopted the act of its officers in Otaheite, there is no doubt that its adoption would have operated restrospectively, and any act of sovereignty which might have been previously done, would have become valid; but the French Government repudiated the whole of the acts of its officer, and recalled him. Therefore, all pretensions to any right of sovereignty fall to the ground. But even if the French Government had thought fit to adopt the act of its officer, and if the sovereignty of France over Tahiti, had been thus retrospectively established, even that would not have justified the manner in which our Consul has been treated. To say that Mr. Pritchard was not a British Consul at the time of his imprisonment and expulsion, is an assertion totally unfounded, and which might lead to consequences which may hereafter prove very prejudicial to important interests of this country. What is it that makes a man a Consul? Why a commission from his own Government. But Mr. Pritchard had such a commission, and it had not been revoked. He held his commission as Her Majesty's Consul to the Government of Otaheite, and when that Government was deposed, he very properly said, his functions were suspended till the decision of the two Governments upon the usurpation at Tahiti should be known; he said to the French, that he was commissioned to the Queen of Tahiti and not to them, and that he could not communicate officially with them, till he received orders from his own Government to do so. But that circumstance did not make him cease to be a British Consul; and British Consul he still was. His position then was similar to that of an Ambassador who has broken off communication with the Government he is accredited to, upon some disagreement arising. That is a step short of demanding his passports, but even if an Ambassador should actually go the length of demanding his passports, he still retains his character of Ambassador. So also was it with Mr. Pritchard, although he had ceased to exercise his functions, he was still invested with that character which the commission of his Sovereign conferred upon him. He had still the full character of a British Consul, and was entitled to such respect as was due to that character even had the full sovereignty of the island been adopted by the French Government. I have not said so much with any intention of adding to the difficulties of the Government; I am perfectly aware of the serious nature of those difficulties; but they will not be lessened by placing the ground-work of the case upon other than a fair and just footing. If you are preparing to deal with the matter more lightly than you were disposed to look upon it at first, let it be upon grounds that will not lead hereafter to dangerous consequences, let it be for reasons, if any there be, consistent with honour and justice, otherwise it will be vain for you to expect to give satisfaction to the nation. There may be a departure from the tone and temper in which the news was first received, but there ought to be no concession which will tend to the dishonour of this country.

Sir *Robert Peel*: The House will not expect from me any reference to the latter observations of the noble Lord, considering the circumstances in which the question is at present placed. I confess I was not prepared for the speech of the noble Lord, entering, as it did, so widely into the whole foreign policy of the country, upon the Motion for reading the Order of the Day for the Report on the Roman Catholic Penal Acts Repeal Bill. Upon such a question I could not have anticipated that the noble Lord would have questioned, as he has done, the foreign policy of Her Majesty's Ministers, as especially during the last fortnight he had two different opportunities of expressing his sentiments upon the present state of foreign affairs. The noble Lord was in the House yesterday; but he had not the courtesy to give me notice of his intention. It seems to me that the speech which the noble Lord has just made, is intended to supply omissions in former speeches—it seems to have been delivered, in fact, to pass a panegyric upon the noble Lord himself. If that were the object of the noble Lord, in my opinion it is a work which the noble Lord has not neglected before. The noble Lord began by imputing to the Government a system of resistance at home, and concession abroad. Now, that is a very antithetical and fine-sounding sentence, but it is no more. It was only yesterday that the Government was accused of adopting the policy of their predecessors. That was the charge yesterday, but now the charge is that our system is one of resistance to all wise and liberal measures. That is the charge made by the noble Lord; but it is mere assertion, without one particle of proof; therefore I shall decline following him into that part of his impeachment. The noble Lord asserted that Her Majesty's Government had made large concessions to Foreign Powers; it is assertion, and nothing more. I deny that Her Majesty's Ministers have made any concession to any Government which can in any way injure the honour of either the country or the Government. I perfectly agree with the noble Lord that the leading principle of any British Administration ought to be a firm support of British interests, and an unflinching regard to British honour. The noble Lord began his strong assertions by a reference to the United States; and he said, "True, you have settled the question regarding the north-eastern boundary, but the Oregon question remains." Now, I beg to ask, what did the noble Lord do with that question during the ten years he was in office? In what state did he leave even the question of the north-eastern boundary? Did he bring it near to a settlement? Was not he, on the contrary, sending troops for the purpose of taking possession of the disputed territory, and for the removal of the squatters? Were not both countries in the utmost alarm at the probability of hostilities on account of that question? This Government, on their accession to office, undertook the settlement of that question, and they did settle it. The noble Lord seems to think it is a personal grievance that they have succeeded. It forms, no doubt, a most injurious contrast to his own conduct while in office. True, the Oregon question is not yet settled; but what did the noble Lord do during his term of office, that he had a right to blame the Government on account of the present state of that question? We have succeeded in settling a question which formed the source of much danger to the maintenance of a good understanding between the two nations. I know not whether that settlement had anything to do with the loss of power which has befallen Mr. Webster. A great outcry was raised against him in the United States for the concessions he agreed to. A map was produced in this country to prove that we were entitled to the whole of the territory in dispute between us and the United States, which was made the ground of great complaint against the Treaty subsequently concluded; but there was just as much dissatisfaction, just as great outcries were raised in America against the maps that were discovered, proving the claim of the United States to the whole of that territory. Maps were referred to by each party which were thought to substantiate their own claims. Whether or no the settlement of the question by Mr. Webster led to his quitting office, I know not, but I know that in the performance of the duty which he owed to his country in removing one imminent cause of war, and settling this question, that honest statesman incurred great obloquy from his own countrymen. The noble Lord disapproves of the settlement of the boundary question; undoubtedly that was not the opinion of the British House of Commons. This House cordially approved of the policy of the Government; it did not think that the terms of the settlement were injurious to this country. We did not want to establish the policy of returning thanks to a Minister for the successful termination of his mission; but so strong was the feeling of the House of Commons upon the subject, so totally did they differ from the noble Lord opposite, so small an impression did the speech of the noble Lord of three hours' duration make upon the House, that an hon. Gentleman sitting behind the noble Lord (Mr. Hume) stated that he would have been perfectly silent, he would have done nothing, if it had not been for the speech of the noble Lord, but that he did feel it to be necessary we should depart from our usual course, and that the House of Commons should leave upon record its sense of the high acknowledgments that were due to Lord Ashburton for his conduct in the negotiation. A Motion was accordingly made by him to the effect that this House, looking to the long, protracted, and unsuccessful negotiations for the settlement of the north-eastern boundary between the United States of North America and the British North American Provinces, and taking into consideration the great importance of removing all grounds of irritation between the inhabitants of the country, is of opinion that the Treaty of Washington, by which that boundary has been defined and settled, is both honourable and advantageous, and that Lord Ashburton, who conducted the negotiation which led to that Treaty, deserves for that service the Thanks of the House. The noble Lord has never been able to get over that. The House of Commons, not content merely with not expressing its disapprobation with the course pursued by the Government, expressed its approbation of it. Observe, a mere abstinence from censure upon Lord Ashburton might have been supposed to imply that there were some sympathies with the noble Lord; but after the noble Lord had come forward with an able speech, showing a perfect recollection of the facts, and describing most clearly the geographical distinctions and boundaries of the country, when the House agreed to such a Motion, in the result not only expressing approbation of the policy of the Government, but disapprobation of the noble Lord's policy, it was, no doubt, mortifying enough for a Secretary of Foreign Affairs. The noble Lord cannot deny that many of the warmest friends of the late Government very warmly disapproved of his policy. He has now made a speech in the absence of the noble Lord the Member for the City of London, who took occasion to blame the present Government for the present amount of the Naval Force of the country. But he did, notwithstanding, administer a very appreciable rebuke to the noble Lord opposite, who, unfortunately, was not here, and I believe he was prepared to have expressed in more decided terms his dissent from the noble Lord. The noble Lord the Member for the City of London did distinctly state that he did not blame in the slightest degree the course which the present Government have pursued with respect to France. He said, "I see the position in which the Government of the two countries stand; I see that the Government of France, too, is with taunted submission to the Government of Great Britain; every provocation is administered to them not to make any concession, however reasonable, and I see the same course pursued by a party here." Speaking of the efforts of the press here, the noble Lord said, "I see the difficulties which the two Governments have to contend with; I can make allowances—I think the course which the present Administration is pursuing on the whole a wise one; and so far as their policy with respect to France is concerned, I do not blame it." I think I do not misrepresent the observations which fell from so high an authority as the noble Lord the Member for the City of London, on the occasion to which I refer. I am sorry that the noble Lord opposite was not content that we should part in good humour at the close of this Session; but I must again remind him that his own Parliament—the noble Lord's own House of Commons—did come to this resolution; that looking at the long protracted and unsuccessful negotiations for the settlement of the north-eastern boundary, and taking into consideration the great importance of removing grounds of irritation between the inhabitants of the frontier, this House was of opinion that Lord Ashburton, who conducted the negotiation, deserves the thanks of this House. I say that for a Parliament elected under the auspices of the noble Lord to come to such a resolution, as the consequence of his speech, was unfortunate. I am sorry he retains the recollection of it; but I am not surprised that he is still smarting under his sense of the indignity then offered. Well, then, as to Texas. How is the British Government responsible for any claim or proposal made with respect to Texas? It would be quite superfluous for me to enter into any consideration of that topic, but nothing can be more manifestly unjust than the attempt to make Her Majesty's Government responsible for any proceeding adopted by the Government of the United States towards Texas. With respect to Algiers, the noble Lord has thought proper to revive that subject. Why, I proved the other night that for ten years the late Government had acquiesced cheerfully and voluntarily in the occupation of Algiers by the French. The noble Lord signified to the French Government that France might continue in the occupation of Algiers, provided she did not attempt to extend her dominions on the side of either Tunis or Morocco. Why did the noble Lord acquiesce in that policy? I apprehend it was pretty much from a derire not to embarrass any Government in France the maintenance of which the noble Lord and his Colleagues thought of importance to the interests of Europe. The noble Lord did not say there had been obligations contracted, which were binding on the Government that succeeded, but the noble Lord did act on that principle, which he now condemns altogether in too unqualified a manner. He knew what would have been the consequence of insisting on the evacuation of Algiers by

France, and considerations of policy, more than those of justice, induced the noble Lord and his Colleagues not to demand from Louis Philippe the evacuation of Algiers. With respect to the influence of Her Majesty's Government in Spain, I do not apprehend that Espartero entertains the same opinions as the noble Lord with respect to the counsels given him by us during his administration. The noble Lord is in error in supposing that the Regent was influenced in the course he pursued, in the affair of M. Salvandy, by the representations of the British Government. That was not the fact; but if he had had that hold in Spain which the noble Lord seemed to think he had, how does the noble Lord account for it, that in the case of a person of his high military distinction, who had shown great valour and sincere desire to promote the interests of the country in which he exercised power—how does the noble Lord account for it that no effort whatever was made in any part of Spain to rescue Espartero from the fate with which he was threatened, and which ultimately befell him? And would the noble Lord have counselled active interference on the part of this country, for the purpose of maintaining in authority any personage in whose behalf so little of public sympathy appeared to exist, as there had been in Spain with respect to Espartero? It is very easy for the noble Lord to say that his downfall was precipitated by the advice given by the British Government. But the assertion is totally and entirely gratuitous. Espartero fell in Spain from the want—a want to be regretted, I think—of a due appreciation of his merits; it was not in consequence of any advice given by the British Government. If there were anything that injured Espartero, I must say that it was the suspicion that he was the cordial friend of this country, and that he received support from it. With respect to the expression of the noble Lord that the authority of this country—the just and legitimate influence of this country—had been impaired under the Administration of Her Majesty's present advisers, I meet that assertion of the noble Lord's by a positive denial. I am prepared to prove that there never was a period when the just influence and authority of this country stood higher than it does at the present moment for all legitimate purposes. I perfectly admit that we have not pursued that course which the noble Lord was inclined to pursue, namely—that while he disclaimed all intervention or right of interference in the domestic affairs of other countries, he should so intervene more actively than any of his predecessors. Our intervention in the domestic affairs of foreign states may have been less than that of the noble Lord, but not less, I contend, than was required to effect any object rendered necessary by the interests of England or of the world. I contend, in opposition to the unsupported assertion of the noble Lord, that there never was a period when the name and authority of the British Government stood higher than at the present moment. With respect to the topic of more immediately pressing interest with which the noble Lord concluded his speech, I must again observe, that I think he will not expect on the present occasion any remarks whatever from me on that point. I expressed on a former occasion my opinion on the subject, and in the present state of affairs I shall beg to be excused from entering at all into any discussion upon it.

Mr. *Forster* would only trouble the House for a short time, nor would he have troubled it at all, but for the very unsatisfactory reply given by the right hon. Baronet to his noble Friend's question, relative to the proceedings of the French at Gaboon River. The right hon. Baronet appeared quite to misunderstand the nature of the complaint. He held in his hand a copy of the complaint and protest of the natives against these proceedings of the French, which he had every reason to believe was perfectly authentic and correct, and he did not find in that paper a single word about the territory being English, or any allegation that the English flag had ever been hoisted there, or that the produce of the place was entitled, of strict right, to enter here as British produce. There is no complaint of this kind; the complaint is this—that from time immemorial British subjects have had a right of free-trade at the Gaboon in common with other countries, but that in consequence of these proceedings it is likely to be lost in favour of France. That France is seeking by fraud and violence to gain possession of it, contrary to the wish of the native chiefs and people. If this were the only instance of such conduct on the part of France, there might be less ground for complaint either on our part or by the natives; but it is not so: France has been for some time pursuing a systematic course of encroachment and interference with British trade and British interests in that quarter, which, if allowed to go on unchecked, will not leave our trade a foot of ground except the ground on which our forts are built. In addition to their proceedings elsewhere on the coast, they lately took violent possession of the Casamanza River, in opposition to the wishes of the natives and in violation of the rights of Portugal, to whom it has always been considered to belong. On that occasion they seized two British trading vessels; that is three years ago, and to this hour the owners have not been paid a farthing for either ships or cargoes, although the seizure has never been defended, and cannot be defended. But still these things are allowed to go on. He assured the right hon. Baronet that the English traders on the coast of Africa loudly complained of these proceedings, and also that they were not duly protected by their Government and the Navy.

Sir *R. Peel* had alluded to the statements contained in the letter of the British merchants who forwarded the memorial of the natives. They stated that the Gaboon territory was a British settlement, and that its produce was admitted on more favoured terms than that of any other part of the coast of Africa, because it was a British settlement, and that the British flag was flying at the ports on the Gaboon. That was the statement made by the British merchants at Bristol, who forwarded the memorial which had been alluded to. The fact was, that the Gaboon territory was not a British settlement; its produce was not admitted on more favourable terms than that of other parts of the coast, and if our flag was flying, it was without the sanction of the British Government. The occupation of the Gaboon by the French was in consequence of the treaty made two years ago between the two countries.

Viscount *Ebrington* wanted to ascertain from the Government whether the British flag and British trade were not placed on a more disadvantageous footing in consequence of this treaty than they were before. He had said nothing at all about the Gaboon being a British territory. What he asked was, that Her Majesty's Government should take care that British commerce and honour did not suffer. To that he had received no answer. The remarks about the letter of Messrs. King, which he had not seen, were no reply to his question.

Captain *Pechell* had hoped the right hon. Baronet would have adverted to a subject which he had omitted to mention—he meant the Fishery Convention. The right hon. Baronet had said the noble Lord was fond of making his own panegyric. All he could say was, that if the noble Lord had remained in power, that question would have been settled long since. The right hon. Baronet had stated in the commencement of this Session, as he had done at the close of the last, that the French Chambers were about to pass into a law the provisions contained in the treaty between the two countries. The right hon. Baronet had, last Session, passed an Act carrying into effect only a portion of those provisions; the House was obliged to receive or to reject them. He (Captain Pechell) was very anxious that some parts should pass; to others he objected. He was afraid that now formed an item in the difficulties of this country. He hoped the right hon. Baronet would have no objection to state to the House what was the present state of the legislation in France with respect to the Articles of the Convention agreed upon. Whatever might be the right hon. Baronet's opinion as to the exertions of the noble Lord, and as to what was thought of him at that side of the House, he could only say, that the noble Lord deserved the same encomium which the right hon. Baronet had passed on Mr. Webster—that of being a most honest statesman, and carrying into effect whatever tended to advance the interests of his country. Connected as he had been with the question of the Slave Trade, he did think that all concerned were deeply indebted to the noble Lord for the great exertions he had made, and which certainly had not received great encouragement from Gentlemen on the opposite side of the House. Personally he felt that the noble Lord had made great sacrifices in concluding those treaties with France and Spain for the settlement of a matter which had remained unsettled for 150 years.

Subject at an end.

ROMAN CATHOLIC PENAL ACTS.] Order of the Day for bringing up the Report on the Roman Catholic Penal Acts Repeal Bill read.

On the question that it be brought up,

Colonel *Verner* said, he had to complain of the precipitancy which this measure had been hurried through the House. A measure of such importance ought not to have been brought forward only three or four days before the termination of the Session, and in the absence of the hon. Member for the University of Oxford.

Mr. *Macaulay* thought, no Gentleman would get up and say, that there was a single enactment repealed by this Bill which was not a disgrace to the Statute Book of a civilized and Christian country. He was quite satisfied from his personal knowledge of the hon. Member for the University of Oxford, however much they might differ on many questions in that House, that he would not have opposed this Bill.

Mr. *Spooner* wished to say a word, because in consequence of what had fallen from him upon the second reading of this Bill he had been misrepresented, and had been supposed to have treated the Petition he then presented with something like contempt. Referring to the grounds on which the Petitioners had expressed suspicion, he had stated that the petitioners objected to the time and manner in which the measure was introduced, it not being a Government measure, or brought in upon Government responsibility at the end of a Session, when there was no time for due consideration of its provisions. He had stated that that was quite sufficient to excite the suspicions of the petitioners, in connection with the manner in which former concessions had been received, and their total failure to heal those religious animosities which all deplored. Nothing fell from him to justify the supposition that he had treated the petition with levity.

Sir *R. Peel* could bear testimony to the fact, that the hon. Member had not treated the petition with levity, though he had the manliness to say, after learning the object of the Bill, he felt bound not to oppose it. The object of the Bill was to remove what was an incumbrance to the Statute Book. It was no doubt to be regretted that at this period there was not an opportunity of introducing a more comprehensive measure; but about the Repeal of the Statutes to which this Bill applied, barbarous and obsolete as they were, there could be no hesitation; and at his request, his right hon. Friend, (the Chancellor of the Exchequer) had already given notice of a Motion to extend the Repeal to the Irish Statutes. They were sometimes more influenced by feeling than by calmer considerations; and this Bill coming down from the House of Lords, he could not advise the House to reject it. He repeated what he had stated before, that the apprehensions of those who had signed the petition presented by his hon. Friend were totally erroneous. The petitioners prayed for delay till inquiry was made into the real tenets of the Roman Catholic Church, and said that if Roman Catholics were true to their own faith, they could not be true to a Protestant Government. Supposing that to be true, would it be any satisfaction that they should have the power of confiscating the horse of any Roman Catholic which should be worth more than *5l.*, or of arresting any Roman Catholic Member of that House in his place, and telling him that he was within ten miles of the City of London? There could be no danger in passing the Bill, because the laws repealed were not, and could not be put in force.

Mr. *Hawes* hoped, that the Government would, in the next Session, proceed still further in this course. He observed that the 1st Elizabeth, one of the Acts to which the statement of the right hon. Baronet applied, extended to the English Protestants, requiring their attendance at Church, and if they refused, making them liable to the penalties of recusants.

Mr. *Monckton Milnes* hoped the word concession would no longer be abused by being applied to measures like the present, which were strictly demanded by justice. He was sure the right hon. Baronet would find full co-operation in that House in any measure of that kind which he might introduce. Every day there was growing up in the country, amongst men who thought on these matters, a strong feeling that the Church of England could not receive legitimate, fair, or just support from measures of a similar character to those which were now being abolished.

Mr. *Hardy* trusted his Protestant feelings were as strong as those of any hon. Member of that House, but he did most sincerely rejoice to see the introduction of this Bill. All that he objected to was, that there should be any *imperium in imperio* in this country, forbidding the use of the Scriptures by the people.

Mr. *Wyse* denied that the Roman Catholic clergy objected to the use of the Scriptures, and said that there could be no greater mistake. He hoped never to hear such an assertion again made in that House. On this point Roman Catholics only differed from other denominations of Christians by entertaining, if possible, a still more profound veneration for the Sacred Volume. At the same time, they deemed it unmeet that it should be placed in the hands of the uninformed without due commentary for the instruction of the flock.

Report agreed to. Bill to be read a third time.

INSOLVENT DEBTORS.] On the Motion for the third reading of the Insolvent Debtors' Bill,

Mr. *Monckton Milnes* proposed to insert the following Clause:—

"And whereas, since the 11th day of November, 1842, the duties of Taxing Master in the Court of Bankruptcy have been performed by one of the Deputy Registrars of the said Court, and the duties of such Deputy Registrar have been performed by Thomas Acton Warburton, Esq., barrister-at-law; be it enacted, that such person shall be paid by the Governor and Company of the Bank of England, out of the fund placed to the credit of the Accountant in Bankruptcy, intituled, 'The Secretary of Bankrupts' Account,' such remuneration for his services, not exceeding , as the Lord Chancellor shall think reasonable, and by his order in writing shall direct."

The facts of the case were these:—Mr. Richardson, who had been registrar in Mr. Commissioner Evan's Court, had since 1842 acted as Taxing Master in Bankruptcy, and Mr. Warburton had performed the duties of Deputy Registrar in Mr. Commissioner Evan's Court without remuneration. The Lord Chancellor was of opinion, that under the provisions of the Act of 1842 he had no power to award Mr. Warburton compensation, but the present Motion was made with the concurrence and approval of the Lord Chancellor.

Clause brought up and read a first time.

On the question that it be read a second time,

Sir *J. Graham* said, that the Lord Chancellor had had nothing to do with the original appointment of Mr. Warburton, who had been selected by Mr. Commissioner Evans as Deputy Registrar. It appeared to him it was a speculation on the part of Mr. Warburton, which had turned out a bad one, and he had now abandoned it, not having performed the duties for two months. It had appeared to him that the best thing would be to confirm Mr. Richardson as Taxing Master, and to appoint Mr. Warburton Registrar; but things had assumed, since he last addressed the House, a different aspect. The Lord Chancellor had promised the office to a gentleman whose case had been brought before the House by the hon. Member for Liskeard—a gentleman who had been deprived of his office by the Act regulating the Court of Exchequer, without compensation. He had at the time admitted that the case was a hard one, and had pledged himself to consider it favourably. That Gentleman was Mr. Lee, and to him the Lord Chancellor had promised this office. Under these circumstances, although he did not like the principle of Barristers performing the duties of public offices on speculation, yet he must admit that Mr. Warburton had performed his duties most efficiently, and he would leave the proposition in the hands of the House.

Mr. *C. Buller* expressed his approval of the kind and considerate way in which both the right hon. Gentleman and the Lord Chancellor had acted in the case of Mr. Lee. With regard to the case of Mr. Warburton, it could hardly be called a speculation. It was clear that the duties must be performed, and Mr. Warburton had undertaken them under the express sanction of the Lord Chancellor. Parliament had sanctioned the experiment, and having so sanctioned it, was it fair to take Mr. Warburton's services for a year and a half without remuneration? If they could arrange so as to give Mr. Warburton the promise of an office it would be the best arrangement, but they had no right to put such conditions on the Lord Chancellor, and therefore he should support the Motion.

Sir *R. Peel* considered, that Mr. Warburton had a fair claim to remuneration Under ordinary circumstances he would have most probably been appointed to an office under the Act; but the House had heard how that office had been disposed of. He thought the claim of Mrs. Warburton to remuneration was clear, and he should give the Motion his cordial support.

Mr. *Hawes* said, the arrangement was one which had conduced to the public benefit, and he, therefore considered Mr. Warburton was fully entitled to compensation.

Mr. *R. Yorke* considered Mr. Warburton had taken up this office as a speculation, without proper authority, and he should certainly take the sense of the House against the Clause.

Mr. *Wakley* would support the hon. Gentleman if he divided against the Clause. The principle was so obnoxious and it opened such a door to corruption, that he certainly thought they ought not to sanction it. This gentleman had undertaken it as a speculation, for there were no funds out of which he could be paid. [Mr. *M. Milnes* thought there were.] Then he had made a mistake. As a lawyer, Mr. Warburton ought to have known better, and he ought to suffer for his ignorance. The principle sought to be established was a most dangerous one.

The *Solicitor General* admitted that his first impression had been adverse to the claim of Mr. Warburton, but when he considered the case, he thought it probable that Mr. Warburton might have been induced to believe that the Lord Chancellor had power to award him compensation, and he really thought that Mr. Warburton was fairly entitled to compensation.

Mr. *Henley* thought the Lord Chancellor had just as much power to give Mr. Warburton a berth now as he ever had. It struck him as a speculation, and if he had any claim it ought to have been brought forward by the Government on their own responsibility.

The House divided:—Ayes 44; Noes 5: Majority 39.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Baring, hon. W. B.
Baring, T.
Berkeley, hon. H. F.
Blackburne, J. I.
Bodkin, W. H.
Borthwick, P.
Brotherton, J.
Buller, C.
Burrell, Sir C. M.
Clerk, Sir G.
Duncombe, T.
Eliot, Lord
Entwistle, W.
Escott, B.
Forman, T. S.
Gaskell, J. Milnes
Gore, M'
Goulburne, rt. hn. H.
Graham, rt. hn. Sir J.
Greene, T.
Hardy, J.
Hawes, B.
Hope, G. W.
Jermyn, Earl
Knight, H. G.
Macaulay, rt. hn. T. B.
Newdegate, C. N.
Nicholl, rt. hn. J.
Peel, rt. hn. Sir R.
Peel, J.
Polhill, F.
Pringle, A.
Smith, rt. hon. T. B. C.
Somerset, Lord G.
Spooner, R.
Sutton, hon. H. M.
Thesiger, Sir F.
Trench, Sir W. F.
Trevor, hon. G. R.
Verner, Col.
Wyse, T.
Young, J.

TELLERS.

Milnes, J.
Lennox, Lord A.

List of the NOES.

Henley, J. W.
Kemble, H.
Morris, D.
Trotter, J.
Warburton, H.

TELLERS

Yorke, H. R.
Wakley, T.

Clause read a second time, committed, the blank was filled up with the words "eight hundred pounds."

Clause added to the Bill.

Mr. *Spooner* moved as an Amendment, that the operation of the 54th and 55th Clauses should be postponed until the month of March. He was aware that he was occupying a very ungracious position, in appearing there to advocate the continued imprisonment of various poor debtors now waiting for their liberation. He, however, objected to the Clause, for two reasons, first, because it would inflict a great injury on industrious artisans in large towns, by depriving them of the only means of obtaining credit; personal security is the only security they have to give; and by these Clauses personal security will be made of no avail:—and secondly, because by these Clauses coming into immediate operation, great injustice would be done to numerous small tradesmen who have given credit under the existing law, and who ought to have time to get in their money before the law is altered. He admitted that the state of discipline in small debt prisons was bad; but they ought not to pass a measure of this nature merely on account of local mal-administration in prison discipline. He cautioned the House against attempting to remedy one evil by calling a greater one into existence. If this Bill came into operation at once, it would be impossible for the labouring man to get credit, and credit was necessary to his subsistence; it would certainly greatly palliate the evil to which the labouring classes would be exposed by this Bill, to defer its coming into operation until the month of March, in order to give them time to prepare themselves for the change which was about to come upon them. To show the beneficial operation of the power of ordering imprisonment being conferred on Courts of Request, and the small amount of imprisonment actually inflicted, he held in his hand a paper by which it appeared that for several years the annual average of causes tried in the Court of Requests at Manchester was 4,000—of these 1,200 proceeded to execution—and of these executions, not 150 were carried on to imprisonment. He had presented a petition from the Chamber of Commerce of Bristol, pressing the necessity of delay; petitions to the same effect had been presented from Manchester, from the shopkeepers of Southwark, and other places, they all prayed for delay, and urged that if this Bill were carried in its present shape, it would inflict a great injury on the large body of tradesmen, who had given credit to the labouring classes, on the faith of the law continuing in its present state. He had received various letters from different tradesmen, who complained that if the power of imprisonment was taken away, they would be deprived of the security on which they had given persons credit. Mr. Spooner read part of a letter he had received from a tradesman in Birmingham, stating that he had ttusted various young clerks, who had no property, but who had good situations, who for want of proper clothes could not, without such credit, have obtained those situations; fear of imprisonment and consequent loss of situation ensured payment; but already had he felt in several instances the effect of the proposed measure: as they diminished the fear of imprisonment, they took away the stimulus to pay. The House had had no opportunity of examining the evidence upon which the House of Lords had decided in favour of this Bill. He should have liked to have had a Committee of Inquiry, before the House decided in favour of this Bill; for although those who had introduced it were perfectly competent to decide upon general principles, yet they did not possess that practical knowledge of the subject, which would enable them properly to legislate upon it. It would be a dangerous experiment to change the system of credit so suddenly as was proposed to change it by this Bill; and he besought the House to pause, before they acceded to the Bill. Mr. Spooner objected also to the practical operation of the Bill. If it was right in principle to abolish Imprisonment for Debt, why limit it to 20*l.*—the 20*l.* to the small tradesman was as important as larger sums to larger traders, and ought to have the same measure of protection. He called upon those Members who advocated the total abolition of Imprisonment for Debt to consider if the soundness of the principle might not be called into question by the bad working of a partial, and therefore unjust and imperfect measure. He concluded by moving that in the 54th Clause the words "from and after the passing of this Act," be omitted, and the words "from and after the 25th of March next" be substituted for them.

Mr. *Kemble* seconded the Motion. This was an *ex post facto* law against the creditor, by depriving him of the security of imprisonment, on which security he had given his debtor credit. He had returns from a court of requests for the year 1839. In that year 5,682 causes had come on for hearing; 2,543 executions had been issued against the person, and only 25 against the goods; 1,741 of those executions had not been carried into effect; 990 of the persons taken had been discharged before the terms of their imprisonment had expired, and 478 only had suffered the full period of the imprisonment. It was well to consider the case of debtors, but creditors ought to be considered also.

Mr. *H. Berkeley* had presented a petition against the Bill which had been agreed to at a most respectable meeting of tradesmen in Bristol; but after the statement of the Solictor General and the right hon. Baronet, he was convinced that legislation was necessary, and that he could not hope for delay. He had stated as much at the time, although he had stated his objections to certain Clauses. He thought it would be advisable that some little delay should be interposed before the Bill came into operation; but if the Government were determined that the Bill should come into immediate operation he would advise the hon. Member for Birmingham to withdraw his Motion. If he perservered in the Motion, he (Mr. H. Berkeley), although he wished for delay, would be compelled to vote against him for he believed it would be a greater evil to lose the Bill than to have it come into immediate operation.

Sir *J. Graham* had never heard a fairer speech than that of the hon. Member for Bristol. He believed that if the measure ought to come into operation at all, it ought to come into operation immediately. With regard to the working classes, it was said that the Bill would entirely deprive them of credit. If that were the case, it could make no difference to them when the Bill came into operation. But he could not think that legitimate credit would be at all narrowed. Many were annually imprisoned, without, he believed, much benefit to the creditor and to the system of credit. With respect to the shopkeepers, nothing could be more unwise than the measure proposed by the hon. Gentleman. Every creditor during the next six months would pursue his unhappy debtor to the utmost, the gaols would be crowded, and the amount of misery which would be inflicted would be appalling. The Bill gave the creditor a remedy against the property, and if the debtor gave up all his property, what more could the creditor require? No doubt it was a shorter and more summary process to seize the person and not the goods of the debtor; but it was most unjust, in cases where a debtor had no property, to apply the torture of imprisonment, in order to extort from his relations and friends the means of paying debts which they were not morally or legally called upon to liquidate. The Bill was supported by the Members for the Tower Hamlets, Finsbury, and Lambeth, and the constituencies of those places were shopkeepers and generally creditors, not debtors. The measure had been well considered, and had received the highest legal support. It was approved of by the Lord Chancellor and three ex-Chancellors, by Mr. Justice Wightman, by the Chief Baron, by the Law Officers of the Crown. All the authorities were in favour of it. The case of Scotland, too, was a case in point. There the power of imprisonment for small debts had been abolished, and although that measure had been opposed by the same arguments as this measure was now opposed, yet it was now admitted that the change had worked well in Scotland, so that they had authority and experience in favour of this measure. He was persuaded that in exercising greater caution in respect of giving credit, the retail shopkeepers would conduct their business on a safer and better system, and the poorer classes would be benefitted by being freed from the system of extortion practised on themselves, their relatives and friends by the system of imprisonment. He therefore pressed upon the House the necessity of rejecting the Motion.

Mr. *Newdegate* thought it would not operate favourably on the morals of the poorer classes that they should be permitted to evade the guarantee of their liberty which they had given to enable them to procure the means of subsistence. He should vote with the hon. Member for Birmingham.

Mr. *Brotherton* could not bring his mind to the conclusion that it would be wise to adopt the Motion of the hon. Member for Birmingham. The arguments of the hon. Member were against the principle of the measure, and not in favour of delay, and the House was almost unanimous in its approval of the principle.

Mr. *Hawes* said, the hon. Member for Surrey had given some accounts respecting the Courts of Requests in Surrey, and the number of cases brought under the consideration of that court. The hon. Member, however, said nothing about the costs which were incurred in court, and which were, he understood, enormous. He contended that the present system of imprisonment was not beneficial to the creditor, on the contrary, it was greatly to his disadvantage. That system was only calculated to feed revenge in relentless creditors, without producing any beneficial result. Under these circumstances he could not support the Motion of the hon. Member for Birmingham.

Mr. *Hardy* could not see why imprisonment for debts under 20*l.* should be abolished, any more than for debts amounting to 40*l.* or 50*l.* He should support the Motion of the hon. Member for Birmingham, believing that delay was necessary, in order that small shopkeepers might make themselves acquainted with the provisions of this measure. When a poor man asked for credit, he said, "I have no goods, but, if I do not pay, you can imprison me." It was, therefore, unjust to abolish the present system.

Mr. *Wakley* would put it to the hon. Gentleman whether such a system of credit was founded on a good basis. No, it was not—it was most injurious and demoralizing. The only sound basis for credit for the poor man was good conduct and good character. The hon. Member for Southwark (Mr. Humphery) had just told him that a great number of persons were confined for debt in the Compter prison, and the highest debt was 9*s.* Was not that a disgrace to a country like this? The present system was only calculated to feed revengeful feelings; and if they were to continue it, that House, instead of being called the House of Commons, ought to be called the House of Shylocks. For the sake of the working classes he was quite content to receive this Bill. He believed it would be beneficial to the shopkeepers themselves. The hon. Member would serve his constituents much better by allowing his Motion to be negatived without a division, instead of being left in a small minority. As the House had determined by a large majority that the principle of the Bill should be adopted, he hoped the Bill would come into operation the moment it had received the Royal Assent.

Motion negatived.

Bill passed.

ART UNIONS.] Mr. *Wyse* moved the further consideration of the Lords' reasons for rejecting the Amendments of the Commons in the Art Unions Bill.

Mr. *T. Duncombe* said, the object of his right hon. Friend was to insist on these Amendments being retained. The Lords were not satisfied that the parties originating these fine arts distributions had acted like the Art Unions, in ignorance of the law. But they had followed in the footsteps of the Art Unions, and when among the shareholders and patrons were such men as the Duke of Cambridge and Lord Denman, how could they imagine that they were breaking the law? The House, he understood, was to meet to-morrow, and, if necessary, he should have no objection to a postponement of the question.

Mr. *Wakley* said, till the Art Unions were stopped by the Government, no one was aware that they were illegal; and it was on the faith of their being legal that the parties alluded to by his hon. Colleague had commenced their proceedings. He was perfectly willing to leave the matter in the hands of the Government, confident that full protection would be given to all parties.

Sir *J. Graham* said, as this was a question of indemnity for the past, he thought both parties ought to have an equal benefit from it, as they had both acted in ignorance of the law, at the same time it would be for the Government to consider whether the use of lotteries, either by companies or individuals, should be tolerated in future. As far as he could promise it, the Members of the Government in the other House would support the view of the hon. Member for Waterford.

The Commons accordingly disagreed to the Amendments proposed by the Lords, and insisted on the Amendments to which the Lords have disagreed.

Committee appointed to draw up reasons to be offered to the Lords at a conference for disagreeing to the Amendments proposed by their Lordships to the Amendments proposed by this House, and for insisting on the Amendments to which the Lords have disagreed.

THE MEDICAL PROFESSION.] Sir *J. Graham* rose to move for leave to bring in a Bill for the better regulation of the Medical Practice throughout the United Kingdom. In ordinary circumstances he should have been unwilling to introduce a Bill of this importance without the power of proceeding with it immediately; but he knew the anxiety of the profession to ascertain the details of the proposed measure: in many quarters groundless apprehensions were entertained:—

"Mussat tacito medicina timore."

He was anxious at once to remove their alarms, and to submit his measure to fair discussion and consideration during the recess; certain that it would be regarded without reference to party feelings, and as a matter affecting science and the life and health of the community. There was no art or science which had done so much for suffering human nature as the noble science of medicine, and in no country in Europe had its beneficent influence been extended so widely. Being an inductive science, its boundaries were enlarged by enlightened knowledge and increased experience, and although at the present time there might be some legal imperfections in the system, he was glad to pay a tribute of respect to the great body of medical practitioners throughout the kingdom, and it was not lightly or unadvisedly he should presume to interfere with them. All interference by law had, it was true, been stigmatised, and there was a letter extant from Adam Smith to Cullen on this subject, in which, with more playfulness than is generally characteristic of that author, Dr. Smith deprecated all legislation in the strongest terms. On the other hand, the practice in this country had not been to leave this matter unguarded by all legislative interference. From an early period there had been legislation in regard to medical practice. Physicians in England now practised under licenses from the College of Physicians in London, or by virtue of degrees granted by the Universities of Oxford and Cambridge. For seven miles round London the degrees granted by Oxford and Cambridge were ineffectual, and conferred no privileges. In later times the Legislature had conferred upon the Universities of London and Durham the power of granting degrees, but they were worthless as to privileges. For a long time prior to 1800, the College of Surgeons gave the title of surgeon. In 1800 the Charter was renewed, and they still gave the title, but conferred no privileges. In regard to the Apothecaries Company, he should be sorry to say anything disparaging of the individuals composing that society, still it must be recollected, that after all, they were a trading body, and entrance might be obtained into it by apprenticeship, birth, purchase, by almost any mode except by examination as to qualification. Yet, no man could practice as a Dispenser of Medicine, without being examined by this trading body. The Apothecaries Act was passed in 1815, and in that Act there was a Clause which, considered in regard to the skill, knowledge, and attainments which should be possessed by the great body of medical practitioners in England, appeared utterly indefensible. He alluded to the Clause by which no person, who had not been apprenticed five years to an apothecary, should be qualified for examination. Those five years occurred exactly at the period of life the most valuable and important for obtaining surgical and medical knowledge. The youth was bound, at about fourteen years old, to an apothecary; and his opportunities during his apprenticeship for acquiring general knowledge were very limited, until at eighteen or nineteen he entered upon a more enlarged sphere of action. He was then naturally desirous of turning his profession to account, and often, at twenty-one, sought to enter into practice, having passed five of the best years of his life in an apothecary's house and shop, cut off, generally speaking, from attending lectures, and from all opportunities of general study and improvement. In the United Kingdom there were sixteen or seventeen Colleges for granting degrees in medicine and licenses to practice including the Universities of Oxford and Cambridge, Dublin, Edinburgh, and Glasgow, St. Andrews, and the two Universities at Aberdeen; the Colleges of Physicians in London, Edinburgh, and Dublin, the College of Surgeons in London, Edinburgh, and Dublin, and the Apothecaries' Company in London. Now, it was obvious that without some controlling power these various bodies must be rivals, and, as rivals, their tendency unchecked, was to underbid one another. If that underbidding only related to the amount of fees, it might be very well, but the general tendency was, to pass the greatest possible number of students for the purpose of granting licenses or degrees, and as the fees became low, and the standard of knowledge relatively reduced the attraction became great in favour of the cheap and easy Universities. In the northern part of the United Kingdom particularly, those degrees had been sold without requiring any examination, and even in regard to this country, the standard of the College of Surgeons in Dublin was higher than in London, where it had been studiously kept low. As might be expected from the increased facilities of the north, the licenses granted there were as five out of six from all other Universities. One evil attendant on the practice of medicine was the incompetency of those who professed to practise it, and the remedy required was to secure to the public a sufficient degree of knowledge and skill on the part of the practitioner. But all men were tenacious of life, and when life was endangered and the healing art administered no cure, there was a natural tendency to fly for succour to those who held out promises of relief. Hence quackery attained an influence over the human mind, and the delusive hope of relief aided the cheating practice of the quack who promised it. It was vain in such circumstances to propose that quackery should be put down by statute. The object of the present Bill, however, was to amend many of the provisions of the present imperfect law: to put down quackery by legislation would be seeking to attain an impossibility, to discourage it by securing exclusive advantages to the regular practitioner, was within the reach of the law, and this was the object of the Bill now under consideration. Without attempting to suppress quackery, he still thought it was within the scope of a wise Legislature to offer direct encouragement to the able, qualified, and accomplished practitioner. The principle of his measure, therefore, he might state in general terms to be this: he proposed no restriction on private practice whatever; it would be open to every man to prescribe and administer medicine without any previous examination or proof of qualification. But he thought a wise Legislature should offer to the public some certain and accredited guarantee of the fitness, competency, skill, and knowledge of those practitioners who voluntarily submitted themselves to examination, and who, by examination had given proofs of their competency and skill. His principle, therefore, was that none should be eligible to fill a medical or surgical office in any public institution, unless his qualification had been tested by competent authority. That was to say none should be prohibited by law from practising medicine, but none should be qualified to fill surgical or medical situations, of a public character, unless qualified according to the conditions of this Bill. The question then was, what was meant by "public situations?" His answer to this question was, that he held an office to be public where the choice of the medical attendant did not rest with the patient or any member of his family. Having said thus much, he would now state the provisions of the Bill he wished to introduce. He proposed to repeal all the Acts of Parliament and Charters that at present were in force relating to the practice of medicine and surgery; but at the same time he should re-enact such portions of the existing law as it might be deemed desirable to retain—beginning the work of legislation on the subject of medicine as it were, *de novo.* The effect of this would be that all peculiar privileges or all local privileges in England—as contradistinguished from what was the state of the law in Scotland or Ireland, would be swept away. In Scotland, licences for practising medicine were granted, but the parties so licensed could not practise in England. By the Bill he proposed to introduce, all these exclusive privileges for practising medicine would be abolished. The most important feature, however, of this measure, would be the establishment of a Council of Health in this metropolis, in direct connection with the Executive Government, and for the proceedings of which Council the Executive Government would be more or less responsible. Thus the present great anomaly of a number of rival bodies possessing powers capable of being exercised without any responsibility would be abolished. This Council would be given the power of controlling the examinations of persons seeking legal qualifications to practise, and also of regulating and equalizing the fees to be paid by them. It was proposed that the Council of Health, and of Medical Education should remain at all times within this metropolis, holding periodical sittings. The Council was to consist of *ex-officio* members and of members to be appointed by the Crown. The *ex-officio* members would be the regius professor of physic of the University of Oxford, the regius professor of physic of the University of Cambridge, the regius professor of physic of the University of Dublin, the regius professor of physic of the University of Edinburgh, and the regius professor of physic of the University of Glasgow. These would have seats in the Council in right of their professorship. It was then proposed that there should be one physician and one surgeon chosen from the College of Physicians and the College of Surgeons respectively in England, Ireland, and in Scotland. He had thus enumerated eleven persons who would form part of the Council; it was then proposed that six others should be appointed by Her Majesty by the advice of Her Privy Council. Of these six, if he might presume to give any advice upon the subject, one at least should be a physician practising in the rural districts, as contradistinguished from practising in the metropolis, and also one a surgeon, likewise practising in the rural districts. These six members with the eleven *ex-officio* members would, together with the Secretary of State for the Home Department for the time being, constitute a board of eighteen. Of the six members to be nominated by the Crown he should propose that one physician and one surgeon should retire annually, but to be re-eligible. It was also proposed that any member might resign, and that a member might be dismissed by the Crown for notorious misbehaviour or unfitness. The Council were to appoint one principal Secretary, who was to be resident in the metropolis, and in constant attendance on the Council. The Council would also have the power to appoint two local Secretaries—one for Scotland and one for Ireland—subject to the control of the Secretary of State. To the *ex-officio* members no salary would be given, but to the other members it was proposed that their travelling expenses from time to time should be paid, and that a moderate salary should be given to them with the consent and under the control of the Treasury. It was proposed that minutes of all their proceedings should be kept by the Council; and he now came to that which was the real and essential means of control of the exercised by the Committee over all the seventeen licensing bodies throughout the United Kingdom. He proposed that a register should be kept of all physicians and surgeons licensed to practice medicine and surgery. This list was to be kept in alphabetical order and published annually. The Council of Health would, on letters testimonial being granted by any of the seventeen licensing bodies in the country (who would retain the power of examination, permit the party to be registered. [Mr. *Wakley*: without examination?] Yes: without examination. There would be three degrees of practitioners licensed. One the vendors of medicine, another surgeons, and the third physicians. He proposed to enact that, with regard to licensing the vendors of medicine who would be the general country practitioners the licensing bodies should have the power to grant that degree to no person under twnty-one years of age. The testimonial would be founded upon an examination both in medicine and in surgery, by one or other of the seventeen licensing bodies. With respect to surgeons, he proposed that the license to practice in surgery should be issued to no person under the age of twenty-five years; and with respect to physicians, the age at which a license could be obtained would be twenty-six years. At these several ages the respective parties might obtain licences to qualify them to be registered, having previously undergone the necessary examination by the licensing bodies. But a person wishing to be registered as a physician, who had not qualified in the manner required by having graduated in some university, would not be eligible for registration until he had attained the age of forty years, and had been examined by the Royal College of Physicians in England; or in case the application should be made to some of the seventeen licensing bodies, then the Royal College of Physicians should previously grant a special certificate that they had made inquiry as to the circumstances under which the degree had been conferred. Thus facility would be given for the licentiate to register as a surgeon at twenty-five years of age, and as a physician at twenty-six. Therefore, any person so licensed might combine in his own person the two branches of the profession, and might at twenty-six be registered both as a surgeon and a physician. He attached great importance to this point, relating as it did to what was termed general practice, and which combined the usually separate departments of medicine and surgery—the skill and ability of the party, however, being tested in all cases by actual examination. But all these provisions would be quite nugatory, unless some precautionary measures were taken by the controlling body, to insure that the standard of knowledge requisite to obtain a testimonial to be given to the licentiate should be equally, uniformly, and carefully maintained. He, therefore, proposed to give to the Council of Health the power to inspect the proceedings of those licensing bodies—more especially with respect to their course of examination and the scale of fees received by them. These would be submitted from time to time to the Council, and would be regulated by them. The qualifications, therefore, of persons seeking to be registered would, as far as possible, be uniform throughout the United Kingdom. No University would have the power to grant a licence to those who had not attended the lectures on medicine in that University, and who had not been examined, and shown that they possessed a competent knowledge of Latin and Greek. The Council would beyond this possess the power of refusing to register persons notwithstanding such persons had obtained testimonials from the examinig body, if the Council had previously satisfied themselves that the testimonials were granted without due regard to the general rules to be established by the Council of Health. He had already stated, that he did not propose to proceed by penalties, but by inducements. The principle of the measure was, that persons not duly qualified should not be competent to fill certain specified offices. He would now state what were the offices which he should term public offices. He proposed that no person, after the passing of this Act, who was not registered by the Council of Health, should be appointed to any medical or surgical office in any public hospital, prison, infirmary, dispensary, workhouse, or other public institution in the United Kingdom, or any medical or surgical office in the Army, Navy, or East India Company, but he had made a special reservation in favour of medical men who were natives of India; but no other person appointed by the East India Company would be entitled to take the appointment without a certificate of registration. He also proposed that certain privileges and exemptions, now given by law to the members of the profession generally, should henceforth be confined to medical men who were registered that they should be exempted from being summoned to serve on juries, or to serve on corporate, parochial, or township offices; but none who were not registered, were to be so exempted, nor would they be competent to give evidence in any court of law where the certificate of any medical man was required. He thought these exclusive privileges and advantages would be found a very effectual inducement to persons to be registered. With respect to persons at present practising, it was not his wish to make it a harsh measure. He therefore proposed to give to these who were now in practice in the United Kingdom a period of twelve months within which they might apply to be registered, or application might be made, within the period of two years, by persons practising in Colonies, on the production to the Council, of his diploma, licence, or certificate, or such other evidence as should show that, at the time of the passing of this Act, he was legally entitled to act as a physician, surgeon, or apothecary, in some part of the United Kingdom. He proposed to inflict a penalty of 20*l.* upon any man who practised in a public office without registration. Any person unlawfully practising in any part of the United Kingdom if registered within twelve months, was to be considered qualified for public appointments. He now proposed to notice a Clause respecting which he frankly admitted he felt some hesitation: it amounted more nearly to a penalty, than any other provision in the Bill: it provided that none but registered persons, or those who could have been registered before the passing of the Act, were entitled to recover at law for medicines, attendance or advice. He meant it as a warning Clause, and he hoped that it would be so understood. Those who falsely pretended to be registered, were to be liable to the punishment awarded to those who were guilty of misdemeanor. Having thus gone through the great outlines of his proposed Bill, he had only to thank the House for the attention it had paid to what he had stated, and to add, that he left it open to the public in their individual capacity to make their own choice of a medical attendant, even if they preferred an unregistered to a registered practitioner. The measure, which he proposed, gave the utmost encouragement to skill, science, and learning, tested by examination; while it discouraged quackery, and placed it under signal disadvantage; in public institutions none but registered practitioners would be tolerated; but each individual would retain the unrestricted right of choosing his own medical attendants. He concluded by moving for leave to bring in his Bill.

Mr. *Macaulay* rose to second the Motion with pleasure. For many reasons it would be improper now to advert to the details of the intended measure, and the right hon. Baronet did not, perhaps mean, to pledge himself as to all the provisions he had stated. He brought it forward that it might be considered and discussed out of doors during the recess. As he however had the honour to represent the seat of a great medical school, he had bestowed some attention on the subject, and regarded it with a lively interest, he might say, generally, that he had great satisfaction in expressing his cordial approbation of the main principles just developed. A law like that about to be introduced ought to abolish all existing authorities — ought, above all, to destroy the absurd system of apprenticeship, and to extinguish all local privileges connected with medical practice. There ought to be no such distinction as that a man authorised to practice at Kelso was excluded from Newcastle, or at Dublin was excluded from Holyhead. If the sixteen medical bodies alluded to were left, it was absolutely necessary to adopt some system to prevent them from underbidding each other, and to compel them to adopt some particular standard. All this he found provided for in the promised Bill, and he thought that the right hon. Baronet had judged wisely in determining not to inflict any penalty or unauthorised practice merely as such. He had also judged wisely in putting, as it were, a mark on the practitioner recognised by the State, by reserving to such persons all public employments. It was a matter of detail, but he might mention that he had some doubt on the point of the civil remedy; but when the subject was again brought forward—he hoped early nex Session—he should be prepared to approve of the general principle, and to state his objections to the details in a friendly spirit. He believed he could answer for those whom he represented, that the Bill would receive their cordial acquiescence, and he apprehended that the same feeling would prevail in other bodies of great consideration. He alluded not merely to the medical school of Edinburgh, but to the Colleges of Physicians and Surgeons. To them the measure would give great satisfaction, and from them it would receive general support.

Mr. *G. Knight* took the liberty of asking his right hon. Friend whether he intended that the Apothecary's Company should continue to possess the privilege of granting licences?

Sir *J. Graham* thanked his hon. Friend for putting the question, and was glad of the opportunity of making it more clearly understood that such was not his intention.

Mr. *G. Knight* said, he was glad to hear it, as he always had considered that the possession of such a privilege by a trading Company was a degrading anomaly. He would ask another question—which was whether any penalty was to be introduced into the Bill to deter the vendor of drugs from prescribing? [Sir *J. Graham* did not contemplate the introduction of any such penalty.] He regretted it, because it was notorious that evil consequences were constantly arising from the rashness of ignorant druggists, or of their still more ignorant apprentices; and those evil consequences most frequently fell upon the poor, who were in the habit of asking the druggists to prescribe, in order to avoid the expense of a doctor. If there was to be no penalty, he only hoped that, in future, the druggists would feel it to be their duty to inform themselves in proportion to what they ventured to undertake. With regard to the scheme for Medical Reform which had been brought forward by the right hon. Baronet, he admitted that something of the kind had long been called for; though, in this matter, another proof had been afforded that many things which cannot be defended in theory, succeed tolerably well in practice—for it could not be denied that, even as it was, the reputation of the medical body of this country stood as high as that of any medical body in the world—that they possessed the confidence of the public, and that, even as it was, nearly as much assistance was afforded by them to their suffering brethren as was within the reach of human aid. Still, however, improvements might be made, and he considered that the plan proposed by the right hon. Baronet would, in most respects, prove beneficial. The great feature of that plan was the Supreme Council of Health—and through such a Council would be obtained that uniformity of qualification, that improved method of examination, that extended education, the attainment of which was admitted by all to be desirable. He did not object to the continuance of the sixteen privileged Corporations, because it was obvious that the Registration, and the sanction of the Council of Health, would confer the efficient license, the real diploma, to which the attention of the public would be directed; the continuance therefore of the sixteen Corporations, if it should appear to be superfluous, would at least be harmless; but the part of the plan, as to the merit and success of which he doubted, was the constitution of the Supreme Council. A Supreme, Controlling Council was expected and desired—but it was well known that, in the mode of constituting that Council, some infusion of a popular nature was looked for by the whole medical body of the three kingdoms. He did not mean to recommend any thing of so extensive a character as had once been recommended, and was now disclaimed, by his hon. Friend the Member for Kendal, but he did think that, in the constitution of the Supreme Council, the elective and representative principle might have been introduced in a modified form—and he thought he had learned from experience that legislation seldom succeeds when it proceeds in exact opposition to the wishes and feelings of the parties concerned. He was also of opinion that it would be more convenient if branch Councils were established at Dublin and Edinburgh. In making these few observations, he begged his right hon. Friend to believe that he was actuated not by any wish to obstruct his measure, but from an earnest desire that it should be crowned with success.

Mr. *Wakley* said, that petitions had been presented from all parts of the kingdom on the subject of medical legislation, and what were the prayers of those petitions? Those prayers were invariably that the petitioners might be invested with a controlling power with reference to those Medical Institutions to which they belonged. In other words, they desired to have an opportunity afforded them of electing the controlling body of those colleges of which they were members. How were these petitions answered? Were the petitioners to acquire additional power by the proposition of the right hon. Baronet? Were they to elect the Council? No; but they were to be subject to a Council appointed by the Government, and by Colleges of the conduct of which they had been incessantly complaining. Did the right hon. Baronet consider such a proposal would be satisfactory to the medical profession? He was aware that in the present case the profession should be but a secondary object, and that the public must be looked to first. He gave the right hon. Baronet credit for having attended to the subject, and though what he now said might give offence out of doors, he would yet declare that he believed the right hon. Baronet really wished to place the medical profession on a better footing than that on which it now stood. But the right hon. Baronet had been earwigged, deceived, misinformed, and had had the subject misrepresented to him by somebody who had gained access to him, while the medical body had not been able to obtain a hearing. The right hon. Baronet, he feared, had been wilfully deceived, and he was satisfied that no measure would create more dissatisfaction out of doors than the measure now before the House. The right hon. Baronet could never pass the Bill. It was incredible to suppose that the 30,000 medical men located in the towns and kingdoms of this Empire would consent to the Bill becoming law. The Bill was irreconcilable to what was due to medical competency, and due to the medical body. The right hon. Member for Edinburgh said the Bill would give satisfaction in Edinburgh. No doubt it would, because the Bill conferred a favour on Edinburgh. But what did the Bill do in respect to the practitioners of England—between 15,000 and 20,000 in number? What was done with regard to the medical body of England? Why, everybody in England, no matter who he is, no matter whether of sufficient capacity or if no capacity at all, if he choose he may practise medicine. In order to give increased facility to persons who may choose to undertake the duty of practising medicine in England, the right hon. Baronet began by repealing the 58th Geo. III., the Apothecaries Act, which inflicted a penalty of 20*l.* for practising without a licence. He approved of the alteration in respect of apprenticeships; but he was of opinion, in order to protect human life, in order to prevent unnecessary human suffering, it was indispensable to protect them from dupes, and to prevent them from becoming the victims of a profligate, mercenary, and extortionate set of men, by maintaining a proper restriction as to medical practitioners. What did the House do in regard to lawyers? Let the House see how differently they were disposed to deal between life and property. Could any one practise as an attorney? No; but any one might practise as a surgeon or an apothecary. If a person practised as an attorney without being duly admitted, he was subject to a heavy penalty; but the lives of families and neighbourhoods might be seriously affected by an ignorant pretender to medical knowledge, if the Bill became law. It was not the time to discuss the subject, but he thought it was right to give the hon. Baronet notice, that when he embodied his principles and views in this Bill he (Mr. Wakley) was determined to use every form which the House permitted for the purpose of preventing the measure from becoming law. He was satisfied that a measure more injurious to the medical body and the public could not become law. Reform was commenced inauspiciously. The first prayer of the medical body was answered by a charter to the Royal College of Surgeons. There was little doubt that some influential persons, who could make their approach by the back-stairs, had induced the right hon. Gentleman to grant the College of Surgeons a new Charter, which had since proved the source of great injustice, and of many heartburnings in the profession. Amongst other rules it gave to the Council of the College the right of conferring the franchise upon individuals connected with the College. Now it happened that this part of the system was brought into operation last July for the first time in consequence of an election for officers, when it appeared that out of 10,000 persons in the profession, there were but thirty who were allowed by the Council to be qualified to exercise the franchise. Yet this system was to be left entire and intact by the right hon. Gentleman. And no redress in these respects had been given by the Executive to the much mortified petitioners. Now, he did not imagine the right hon. Baronet was one who would feel indifferent to the interests of the profession, which he (Sir James Graham) would admit, he thought, consisted of men of considerable acquirements anxiously labouring in the investigation of scientific matters and the search after truth; and he could hardly conceive how the right hon. Gentleman could come to any other conclusion than that such men were the best qualified to judge who were the persons most competent to govern and provide for the interests of the general body. It was painful to look at the barbarous system upon which the Council was now acting under the right hon. Baronet's Charter. [Sir *J. Graham:* You should, in fairness, describe the system before that Charter was granted.] He would grant that that was a system which had reflected disgrace upon them in the eyes of Europe; and the system of the trading part of the profession in Blackfriars was infinitely more creditable than that of the Royal Incorporation of Lincoln's-Inn-Fields. To prove that in so characterising that body he did it no injustice, he would allude to two cases, the case of Mr. Brooks, the most eminent, indeed almost the only lecturer of his day, and the most perfect minute anatomist known. What did the College for him? Did they admit him to the Council or distinguish him by any reward? Quite the reverse; they left him to pine in want, and of want he died. Another instance was that of Mr. Carpue: a more highly gifted, or more generally and warmly beloved man did not exist; he had educated hundreds, and, perhaps, thousands, but he was not elected on the Council of the College of Surgeons, and why? Because he had instructed students at a cheaper rate than the rest of the body, and because he did not belong to hospitals of which they were members. Yet upon this so constituted Council did the right hon. Gentleman confer by his late Charter the control and government of the body, with new and extraordinary powers. The expression of Mr. Lawrence had been referred to with acquiescence, and he too deferred to it, that no person would be admitted to practise in the profession who did not know the whole of it; but this was a truth as old as Celsus, and had since been inculcated by Abernethy whose pupil Mr. Lawrence had been. In the face of this admitted truth the Council had established a regulation that in order to be ballotted for as a member of the Council, the Surgeon must be recommended by three persons members of the Council, and also have a certificate that for five whole years previously he had not practised as a surgeon accoucheur, or that he resided within five miles of the Post Office. What, in heaven, did that restriction about the Post Office mean? It was curious that this Bill should come on at this particular time, and after the scene which the right hon. Baronet had only yesterday witnessed. For the very man who had saved the life of the Queen, and the life of a Prince, would be marked for degradation and exclusion by this body; he would not be admitted to the Council unless he could prove that he had not been contaminated by the odious practice of midwifery during the last five years. Did the right hon. Baronet think it right to exclude that branch of the profession of which W. Hunter and the father of the present Chief Justice of England were such distinguished members? The right hon. Baronet had been deceived by some one who called himself a "pure" Surgeon, which in the profession was understood to mean a person purely ignorant of everything in medicine, except that which related to his own particular department. He held that it was the paramount duty of that House to prevent any person from practising who was not duly qualified. Why was all this mess and difficulty with respect to medicine? Was there anything in the law giving this free power? A gentleman went to one of the Inns of Court, he ate in his knowledge, and after that every one must either plead his own cause or employ one of these qualified persons. He did not mean to say that if a person competent to judge should prefer going to a quack, he would say don't let him go, but they were legislating for the poor, and for those who could not judge, and he saw the fatal results of ignorance every week of his life. Now, no one could dispense medicine unless he had obtained a certificate from the Apothecaries' Company. The regulations were imperfect, but they had had the effect of preventing, in a great measure, the evils of incompetent practitioners; and it was the duty of the House, instead of repealing those restrictions, to see that the public were provided with a competent class of medical practitioners. The Bill proposed to fling the medical practice entirely open, so that any man who chose might practise as a physician, a surgeon, or an apothecary, without any restriction or penalty; and if they passed such a law they would not only inflict injury upon the medical practitioners, but they would lead to the misery and deaths of hundreds and thousands of the poor of this country. He, therefore, intreated the right hon. Baronet to reconsider this question; he begged of him to attend to other evidence than that which he obtained at the Home Office, and to listen to the petitions of the medical practitioners themselves, and he was sure that if the right hon. Gentleman applied his powerful mind to the subject he would see it in a very different light, and would introduce a very different measure.

Mr. *Hawes* thought, that the hon. Member for Finsbury had in some degree wandered from the subject before them, which was whether they should place on an improved footing the practice of medicine, and then whether the Government proposed a measure which would accomplish this object. He would only then take the scheme as a whole, he would not go into its details, or into the question as to the charter given to the College of Surgeons, but taking the general outlines of the scheme, he said that it did deserve the general attention of the House, and he would be ready at its future stages to render his humble aid, and to act cordially and sincerely with the right hon. Baronet in effecting some great change. He thought that the Council was too exclusive, and that there was ground of complaint that the great body of the medical practitioners would not be represented. The registration of the medical body, particularly of the medical students, would be a great improvement. With respect to putting an end to quackery, he was disposed to agree with the right hon. Gentleman, that it was better to hold out inducements, than to adopt any measures of restraint; still he thought that justice was hardly done to the Apothecaries' Company, who had introduced a very useful improvement in the great body over whom they presided, and he was of opinion that some steps might be taken to continue their Act. That this Bill would be opposed he had no doubt; but he regretted that the hon. Member for Finsbury should before the measure was fully known, have expressed so strongly his opinion against it, and looking to the opposition offered by the hon. Member to the two former Bills which had been introduced upon this subject, and his opposition to this, he could not see to what scheme of reform the hon. Member would give his aid.

Leave given.

House adjourned, quarter before eight o'clock.

HOUSE OF LORDS,

Thursday, August 8, 1844.

MINUTES.] BILLS. *Public.*—3ª· and passed :—Poor Law Amendment; Duchy of Cornwall Assessionable Manors; Grand Jury Presentments (Dublin); Fisheries (Ireland); Arms (Ireland); Protection of Purchasers, etc. (Ireland).

PETITIONS PRESENTED. By Marquess of Clanricarde, from City of York, for Inquiry into the State of Ireland.—From Guardians of Nenagh Union, for Exemption from charges upon the Union for Government Advances for Rebuilding the Workhouse.—By Marquess of Clanricarde, from Leeds, for restoring the people of Tahiti to the possession of their Civil Rights and Religious Freedom.—From Bydwellty, and Rhymney, for the Establishment of Local Courts.

MISSIONARIES AT TAHITI.] The Marquess of *Normanby* said, he had thought it right on the preceding evening, to give notice of the Petition which he was about to present to their Lordships, not only on account of the importance of the subject to which it related, but also with reference to the public feeling and opinion that prevailed, connected with the late proceedings at Tahiti. It was not, however, his intention in discharging this duty, to say anything that could provoke discussion in relation to those proceedings. The petition was agreed to at a public meeting held in the borough of Leeds, on the 5th of August, and purported to be the petition of the undersigned friends of the Protestant Missions residing in that borough. The noble Marquess then read the petition in which the petitioners stated, that the Missionaries had directed their attention to the South Sea Islands about fifty years ago, and had laboured most successfully in that part of the world. They complained of the recent conduct of the French at Tahiti, which they considered to have been most unjust; they deprecated all hostile feeling between the two countries, but they at the same time condemned the measures that had been adopted at Tahiti as being totally unworthy of the French nation, the petitioners prayed their Lordships to adopt such measures as they might think fit to secure due protection for the Protestant Mission at Tahiti. He had thought it necessary that the petitioners should speak for themselves—he was sure that the prayer of their petition, in which he entirely concurred, would be attended to. With respect to the proceedings at Tahiti, he could not but say that he felt most strongly that the gentleman (Mr. Pritchard) who had been so harshly treated had not, at the time, in any manner, forfeited that position which, as a British subject, he had a right to claim. He did not think that any temporary or unauthorized resignation of his functions deprived him of his fair and just claims to the protection of the Government. He did most sincerely trust and hope when those to whom this petition referred had their grievances and apprehensions thus stated to the House, that no future conduct on their part might add to any difficulties that now existed between the two countries. They must feel that the benefits of civilization, and the extension of the blessings of religion, depended on the continuance of peace; and he confidently and earnestly hoped that peace would be maintained at any price short of the sacrifice of national honour. And he was sure that was a price which this country would never be disposed to pay for it, much to be desired as it was. If they did so, if they made such a sacrifice, they would ultimately find that whilst they achieved a seeming good, they would by that means deprive themselves of all the security and advantages of real peace —that security and those advantages which could only be founded on the mutual respect of nations.

The Earl of *Aberdeen,* said the noble Marquess in presenting this petition had not thought it his duty to enter into any lengthened remarks on the recent transactions that had taken place at Tahiti. Yet, nevertheless, he (the Earl of Aberdeen) wished to offer a few observations connected with the petition itself, which had reference to those transactions. Many of their Lordships would recollect, that early in the last Session of Parliament, when they first heard of the establishment of the French in Tahiti, a noble Friend of his (the Marquess of Lansdowne), who was not then in his place, and who had formerly been President of the Council, had put some questions to him on the subject; and had then stated that he did not regard with any jealous feeling the establishment of the French in the Pacific, and the extension of their system of colonization in that sea; but he expressed an anxious wish that British interests might be properly protected, and, above all, that the security and freedom of the missionaries employed in Tahiti should be provided for. In answer to the noble Marquess who had put the question, he said that in those opinions he entirely concurred, and he could assure him that the Government had received all the guarantees which they could possibly demand, with respect to their perfect freedom, and security in the exercise of their functions, of the British mission established in Tahiti; and of such others as might also seek those countries as the scene of their labours. He (the Earl of Aberdeen) afterwards laid on the Table of the House a correspondence with the French Government on the subject; and, such of their Lordships as might have taken the trouble of perusing that correspondence, would, he believed, be disposed to admit, that under all the circumstances, it was satisfactory. Now, from that day to this, Her Majesty's Government had received no complaint whatever from any of the missionaries established at Tahiti; and at the last interview which he had had with the heads of the London Missionary Society, on putting a question to them on this subject, they assured him that they had no complaint whatever to make as to the treatment of the missionaries by the French authorities in Tahiti. They, indeed, deprecated the establishment of the French authority at Tahiti, but stated that they had no complaint to make with respect to their conduct towards the missionaries. He, therefore, took it for granted, that in regard to that part at least of the subject in which his noble Friend (the Marquess of Lansdowne) expressed the greatest interest (a feeling in which he entirely concurred), he took it, he said, for granted, that on that point, there was no ground for complaint; and he might add, still further, that in some communications between the French Government and Her Majesty's Government, the former referred, in terms of eulogy and of special approbation, to the endeavours of the missionaries to preserve tranquillity in those islands. Therefore, he repeated, he took it for granted, that they had no reason to complain—that no grounds of complaint had been given to them. If they had, those grounds of complaint certainly had not reached Her Majesty's Government. Having said thus much, he thought it prudent to follow the example of the noble Marquess who had presented this petition, in not being tempted to say more on the recent outrage that had taken place at Tahiti. He must, however, observe that whether the gentleman to whom allusion had been made was or was not a Consul at the moment when that event occurred, made in his mind very little difference. He looked upon that individual as a subject of the British Crown, and, therefore, entitled to that protection and treatment which, as a British subject, he had a right to claim. The question, whether a person could resign and denude himself of his official character and functions, was a question between him and his own Government, and not between him and the Government to which he was accredited. He knew not how a foreign Government could do otherwise than take the declaration of an individual in such a capacity as to whether he continued to possess, or ceased to possess the authority which at one time he professed to hold. That, however, was a question which made no material difference in his mind as to the character of the transaction, or as to the course to be followed. He did not understand the noble Marquess opposite to bring any charge or accusation against the Government, or against him (the Earl of Aberdeen). He must say, that in that House he had not heard any censure with respect to any part of the foreign policy of Her Majesty's Government. Had any Motion with that view been brought forward, he would have been quite ready to meet it. In another place, he believed, they had not been quite so fortunate; at the same time, nothing of a very formidable nature had been brought against them; for, when "the head and front of their offending" consisted in measures which had received the thanks and approbation of both Houses of Parliament, the attack was not likely to be felt very deeply. The noble Marquess had expressed a hope, and he had no doubt the noble Lord was sincere in that expression, that neither that event to which his petition referred, nor any other, would endanger the continuance of the existing peace; but he (Lord Aberdeen) had also heard the noble Marquess say something about the honour of the country, and the necessity for maintaining that honour. He concurred entirely in the sentiment thus expressed; and he thought that if peace was not preserved in a manner entirely conformable to the honour of the country, it would be purchased at too great a sacrifice. But let noble Lords only look at the language that had recently passed between the public organs of France and England. Both parties accused each other of a desire to commence aggressions or to insult each other, and the organs which habitually advocated the views of the noble Marquess and his party had accused the Ministers of making base concessions, which had lowered the consequence of England in the eyes of Europe. Only let their Lordships look at the language of the French press also, and they would find that the writers there accused their Ministers likewise of base subservience to the English Government. In Spain, which was a great source of accusation and of irritation, the French writers described their Ministers to be acting in a manner entirely subservient to the intrigues of English diplomacy. The accusation was altogether untrue; but it was not more so than those brought against the Cabinet of which he (Lord Aberdeen) was a Member; and, moreover, he would say, that in his opinion, the French writers did not believe one word of what they were saying in giving vent to these imputations, though he could not say the same of the writers in this country. He would not assert of them that they put as little credit in their statements and anticipations as those to whom he had referred abroad; he would rather assert, that in England the people and the press shared the opinions expressed on this subject by the noble Marquess. That was not the case, however, in France. He knew there was a war party there which desired to push matters to extremity; but the war party in England was rather, in his opinion, confined to hostilities against the Bench on which he sat. He was aware that it was necessary to proceed with the utmost caution; and he was strongly impressed with the belief that the justice and the moderation—and he used the word "justice" in its most emphatic sense, because the term "moderation" might be misapplied—the justice and moderation of the demands of England led him to entertain a sanguine hope that the present subjects of discussion between the two countries would not lead to any disastrous consequences.

The Marquess of *Normanby* said, he would not reply upon the general topics to which the noble Earl had adverted, after the express declaration made by him that silence was the best course to be pursued. He must not, however, upon that account be supposed to acquiesce in the whole of the policy which the noble Earl had stated to be that which he had acted upon. He begged, however, to express his particular satisfaction with the manner in which the noble Earl had treated the particular question which formed the subject of the petition presented by him.

The Marquess of *Clanricarde* so entirely agreed in the view taken by his noble Friend of the speech made by the noble Earl, that he would not make any remarks on it; though he could not help complaining that the noble Earl's remarks on the war party in France, almost implied that in this country Ministers were not altogether in a fit state of preparation for the attempts of those foolish and wicked people who in France were termed the war party. He would take the present opportunity of putting a question to the noble Earl, which related in some degree to the topics under consideration, namely, with reference to that unfortunate class of persons who were so unlucky as to be the creditors of the Spanish Government. In the year 1834, the Spanish Minister, Count Toreno, put the claims of the foreign creditors of the Spanish Government in such a train of settlement as led them to indulge in hopes of their being, at no very distant period, practically settled. The creditors were divided into three classes, namely, into holders of active, passive, and deferred debt. It was then stipulated that certain portions of their claims should be immediately converted into active bonds, and that the remainder should be styled passive and deferred debt, to be gradually converted also into active bonds (or bonds bearing interest), in a gradual though certain progression, so that in the course of about eight years from that date (1834) the whole debt would be thus converted. Now, he needed hardly to observe, that no such conversion had ever taken place; and he begged to ask the noble Earl whether he had any reason to hold out hopes to these unfortunate persons that the foreign creditors of Spain would hereafter be treated in any better manner than they hitherto had been? He was quite aware that he had no right to call upon the Government to make any declaration on this subject, for the speculators in foreign loans entered into such transactions entirely at their own risk. Yet, although the Government would be to blame to encourage such dealings, he should be sorry to see a state of things established, that the opinions of the Government of this country with respect to loans of this description were disregarded and exercised no influence upon the Ministers and people of Spain; and he therefore wished the noble Earl to say if he could hold out any expectations on the subject.

The Earl of *Aberdeen* said, that the transaction referred to by the noble Marquess was one of those operations in Spanish finance which, promising at first the most complete success, led afterwards to disappointment and failure. He would not hold out any greater hopes that those prospects would be realized than those which had been indulged in when they were originally entertained in 1834. The noble Marquess had justly described the course which the Government was called upon to pursue with respect to such transactions. He had very truly said that the present was not to be considered in the light of an engagement to which the British Government was any party. And he had also truly promised that no influence which the Government could fairly exercise would be neglected to be used on behalf of those British subjects who were creditors of Spain. In fact, there had been no reluctance on the part of Her Majesty's Government to endeavour to produce an effect in this respect on that of Spain, nor would such exertion be spared in future. But their success depended entirely on the view which the Ministry of Spain took of the interests of the country, and the chances of reimbursement to the holders of Spanish bonds rested more upon that contingency than upon the interference of any foreign Government in the way in which such interference could be made by either the British or any other Governments. The actual Finance Minister of Spain was a man much more likely to be actuated and guided by honourable views of the engagements of his Government than any of his immediate predecessors in office, and to that circumstance he would rather encourage the noble Marquess to look for hopes on behalf of the creditors of Spain than to any efforts which Her Majesty's Government could make in that respect. But he would willingly assure the noble Marquess that within the limits which he had himself prescribed—for to hold out any hopes that the influence of the British Government would be exerted in the matter would be to add the security of England to that of Spain on these bonds—but within those limits, he repeated, he (Lord Aberdeen) would assure the noble Marquess that all that could fairly be done should be done, and the interests in question should not be lost sight of.

POOR LAW.] Lord *Wharncliffe* moved that this Bill be read a third time, which was agreed to.

On the question that the Bill do pass,

Lord *Teynham* begged to draw their Lordships' attention to a Clause which he had to propose, relative to the alterations introduced by the bastardy Clauses of the present Bill into the Poor Law. The subject was one to which he had already drawn their Lordships' attention, by presenting a petition last year from a Board of Guardians, relative to the regulations enforced towards women in a state of pregnancy at the Union Workhouses. There were several classes of persons to whom these regulations were equally applicable, and in all cases alike. On the one hand, there was a number of poor creatures, who were already contaminated by their constant contact with the debased and the profligate; on the other hand, there were some to whom it would be an act of kindness as well as of Christian charity, to remove them from the scene of their temptation and guilt, and from the constant associations of that nature to which such contact exposed them. Whether this was to be best effected by the entire removal of these unfortunate creatures from the workhouse, he would not say. And thirdly, there was a class of women, who came within the operation of the law in question, who had never, up to the moment when they were thus situated, been found in contaminated or habitually vicious company. Now, nothing, in his opinion, could be more lamentable, than for young women who had committed a first offence of this kind, probably through inexperience or weakness, to find themselves condemned to pass their days and nights, whilst undergoing the consequences of their folly or guilt, in such contaminating society as that to which he had referred. Nothing could be better, in his opinion, or more calculated to recal these young women to a sense of shame and to the paths of virtue, than to restore them to their mother's care. If their Lordships took the same view of the case that he did, they would probably agree to the Clause which he had to propose; and he must in defence of it observe, that there was universally to be observed a distinction between the first offence of the nature to which it referred, and every subsequent lapse of that kind. The course which he proposed would restore the character of young women who might have the folly to commit the crime referred to; and in further justification of the views which he had so imperfectly explained, he must refer their Lordships to the contents of the petition from an extensive parish, which he had presented on a former occasion. The noble Lord concluded by moving a Clause, which enacted that out-of-door relief should be given to young unmarried women in a state of pregnancy, in all cases where that was the first occasion upon which relief of that nature, or upon such a ground, was required.

Lord *Wharncliffe* objected to the Clause, and described it as another branch of the out-door relief part of the Poor Law Bill. If any case of real hardship, such as the noble Lord contemplated to afford some mitigation or relief to, were to come under the notice of the Boards of Guardians, there was, he would venture to assert most confidently, no doubt whatever, that in all such cases the Guardians would, upon application to the Commissioners, obtain permission to administer out-of-door relief; he therefore objected to the Clause as wholly unnecessary.

Clause negatived.

Lord *Teynham* begged to trouble their Lordships again, whilst he stated the object of a second Clause which he had to propose, to the effect that whenever it should be necessary for a married pauper to quit his wife and family, for the purpose of seeking work out of his own immediate neighbourhood, it should be lawful for the Board of Guardians to administer relief to the wife and family of such pauper during his temporary absence. The subject of the Clause which he had just read to their Lordships was one not unworthy of their deepest consideration. On looking at the Returns relative to the number of the vagrant poor, and their committals for having deserted their families, he found that no fewer than 3,930 persons had been so committed, out of whom, the number of those who, it appeared, had left their homes and families with the *bonâ fide* intention of seeking work, and of providing for them by their labour, was no less than 3,591. These persons had been considered as equally guilty—many of them, being honest and well-intentioned, industrious labourers, had been punished; the fact of their having left home being construed into an act of vagrancy, and themselves in consequence treated as rogues and vagabonds —and some of them had been accused of absconding with the view of deserting for a permanency their wives and children. What was the effect of such treatment? It was to place a man in the highest degree praiseworthy on the same level in point of guilt and of punishment, with one of the wickedest of human beings. A man loving and cherishing his wife and family is thrown out of employment, he leaves them for another neighbourhood, in order to find work, and to give them that subsistence which he cannot procure at home. Having no friends, and being deprived of all resources, he sees the Union Workhouse before him, and he goes away from home to seek for work. This man, acting in the praiseworthy way he had described, and stimulated by the most laudable motives, stood in the situation of a culprit, as far as the Poor Law was concerned. He found himself classed as a person absconding from his family, and charged with an intention never to return to it; and it was frequently, too often he might say, found, that whilst every feeling in such a man's breast was a right and proper one, he was placed in the same category with the guilty person who deserted his family, and punished as such. It was found, practically speaking, that one labouring man was really and truly criminal in this respect, whilst another was only nominally apparently so; and yet the same measure of punishment was awarded to both, for they were confounded together in the eye of the law. If the Amendment which he had to propose were to be adopted, there would be none of the stringency of the Vagrant Act taken away; it would still retain all its force, and persons really culpable, would still be liable to punishment. But what he desired to introduce into the present Bill was an enactment, by which those who could prove to the satisfaction of the Board of Guardians that they intended to provide for the subsistence of their families, by leaving their homes in search of work, and that they had a fair prospect of procuring work by so absenting themselves, should be relieved from the stigma to which they were at present subjected, in consequence of such laudable exertion. And that consideration led him to make another reflection upon the subject, and to ask their Lordships how many labouring men there might not be who, dreading such a charge, or suffering under the consequences of it, would not rather stay at home and remain in idleness at the expense of the parish, than, by leaving their families in search of work, expose themselves to an accusation of that nature. On the grounds, therefore, stated by him, though he was aware the Amendment might be resisted—as, indeed, there might be grounds alleged for resisting every suggestion—he begged to move the Clause to which he had referred in his opening remarks.

Lord *Wharncliffe* objected to the Clause, because it held out a premium to those persons who should hereafter abscond from their families. If the labourer out of work was honest and industrious, and bore a trustworthy character, there would be no difficulty whatever in finding him work in his own parish.

Clause negatived. Bill passed.

County Coroners Bill.] Lord *Wharncliffe* moved that this House do not insist upon their objections to the Commons' Amendments of the County Coroners Bill, respecting the mileage.

Lord *Beaumont* hoped the House would not agree with the Commons' Amendments. The Bill, in its present state, had "job" written upon the face of it.

The Marquess of *Normanby* supported the Amendments.

Their Lordships divided on Question, "not to insist:"—Content 14; Not Content 14.

The numbers being equal, it was (according to ancient rule), resolved in the negative.*

House adjourned.

HOUSE OF COMMONS,

Thursday, August 8, 1844.

Minutes.] Bills. *Public.*—1°. Clerks of Petty Sessions, etc.; Parochial Settlement.

3°. and passed:—Roman Catholic Penal Acts Repeal.

Petitions Presented. By Mr. M. J. O'Connell, from Ireland (8 Petitions), for Repeal of the Union, and 13 against Charitable Bequests Bill.—By Viscount Jocelyn, from R. W. Brandling, for Inquiry (Coal Trade.)—By Mr. Cochrane, from Earl of Dundonald, alleging an Invention.—By Mr. Wyse (3), and Mr. M. J. O'Connell (1), for Inquiry (the State Trial).—By Mr. Masterman, from Merchants and Shipowners, for Alteration of Law of Steam Boat Companies.

Merchant Seamen's Bill.] Mr. *S. Herbert* moved that the Lords' Amendments to the Merchant Seamen's Bill be agreed to.

Admiral *Dundas* was opposed to the Bill altogether. It was a most unfair thing to press forward a measure of that nature at that period of the Session, when seamen had had no opportunity of expressing their opinions on the subject. They would, in the course of next Session, have the Table covered with petitions praying for a repeal of the measure.

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* The effect of this is, that the Lords *do* insist.

Mr. *S. Herbert* said, that the Bill had been well considered, and so far from the merchants or seamen being displeased with the measure, he had received several letters expressing their approval of it, and thanking the Government for having introduced it.

Captain *Pechell,* although he admitted that much misapprehension existed regarding this measure, thought it was most unreasonable to press it forward at the present time. It was impossible to discuss it properly, or to ascertain the opinions of seamen and shipowners respecting it. It was very well for hon. Gentlemen opposite to say that the interests of landlords and that of agricultural labourers were identical — that fallacy had been pretty well exposed by his hon. Friend below him; but the agricultural labourers were now beginning to be awake to their own interests, and to discover that their interests were concerned in having cheap bread. So the seamen were well aware that their interests were not identical with the interests of the shipowners. The House of Lords, by one of their Amendments, had reduced the amount of remuneration to be awarded to seamen for loss of their provisions from 1*s.* to 8*d.*, thus depriving the seamen of 4*d.* This, he apprehended, was interfering with a money clause, and was an Amendment which the Lords had no right to introduce. He should wish the Speaker to settle that point. The hasty manner in which that measure was pressed forward was calculated to excite suspicions that there was some object in view, which the Government was afraid should come to the knowledge of the seamen. Meetings had been held on the subject of the seamen at Newcastle, at Liverpool, and at Bristol, and he protested against the Bill being pressed forward in that manner.

Lords Amendments agreed to.

FISHERIES ON THE FRENCH COAST.] Captain *Pechell* said, that the right hon. Baronet at the head of Her Majesty's Government had promised to state to the House, the course which had been pursued by the French Government on that matter; perhaps the right hon. Baronet would then state, whether any law had been passed by the French Chambers in respect to it.

Sir *R. Peel*: The question which the hon. and gallant Gentleman has put, refers to the convention which has been made between the two countries, and the regulations which have been established in respect to the Fisheries by the Commissioners who presided over that convention. It was provided by that convention, that regulations should be drawn up and submitted to the two Governments, in order that they might adopt legislative measures thereupon. In accordance with the regulations of the Commissioners, regulations were drawn up, which received the sanction of the Legislature last Session. I must explain that the French Government is differently situated to the English Government with respect to the making of laws, the French Government having greater powers, and being enabled to effect that by an ordinance which we require the sanction of the Legislature for. I apprehend that it is unnecessary for the law to pass the French Chambers before due effect can be given to it by the French Government. When the Commissioners were prosecuting their enquiries certain legal difficulties stood in their way; for here it is necessary to have *vivâ voce* evidence for the conviction of any prisoner. The French Government proposed that written evidence should be deemed sufficient, to which they (the Commissioners) replied that that would be altogether opposed to the principles of British law where penal consequences followed upon conviction. There was also another difficulty arising out of the difference of the law in the two countries in respect to murder on the high seas, for, according to the French law, a Frenchmen committing murder upon a foreigner on the high seas was not subject to the penalties of murder. It is altogether different with respect to the English law, by which there is no more difficulty for committing an Englishman for the murder of a foreigner on the high seas than there is for committing an Englishman for the murder of a countryman. The law, however, in respect to these fisheries was passed in April. I do not understand the anxiety of the hon. and gallant Officer in respect to the regulations which have been passed. The two countries have the right of fishing within three miles of their respective coasts; these regulations have been sanctioned by the convention, to which the force of law has been given. The law which passed last Session, provided that any subject of the King of the French breaking this convention, might be punished, and a penalty of 10*l.* inflicted, and in case of non-payment, the vessel detained as a surety for such payment. Our interests are completely protected; the interests of the French are much more concerned than ours in this law passing the French Chambers; and it is for them to consider whether it should be passed at once or not. I am sorry that no law has been passed, but the inconvenience chiefly attaches to those engaged in the French fishery. I hope that the hon. and gallant Gentleman and his constituents clearly understand that if any infraction of this law by the French takes place on the coast off Brighton, that such infraction may be dealt with and punished, by the Magistrates of the county of Sussex.

Subject at an end.

TRANSACTIONS IN GUERNSEY.] On the Motion that the Order of the Day be read,

Mr. *T. Duncombe* said, it was with very great reluctance he proposed to occupy the attention of the House with anything personal to himself, but publications were sometimes made with respect to what took place in that House, and made, too, under the sanction of persons in high office, which rendered it necessary to take notice of them. It would be in the recollection of the House that a short debate had recently taken place on the affairs of Guernsey. Certainly the report of that debate in the newspaper was curtailed and inaccurate. Shortly after it was published he received a letter from the rev. Mr. Dobree, whose name had been mentioned in that House by himself and the right hon. Baronet. A letter denying the accuracy of his statements regarding Mr. Dobree had also appeared, two days previously to his receiving that of which he spoke, in the *Times* newspaper, under the sanction of the Lieutenant Governor, and which appeared to have been inserted, because a letter from the Lieutenant Governor headed the correspondence, requesting of the editors of the *Times* redress by that publication. The letter which he had received was dated "Forest Rectory, 28th of July, 1844," that day being Sunday, and it was not for him (Mr. Duncombe) to say whether it was the sort of correspondence which a minister of the Gospel ought to indite on such a day. The letter was as follows:—

"*Forest Rectory, Guernsey, July* 28.

"Sir,—In the *Times* newspaper of the 24th inst. I observe, with much surprise, a speech attributed to you, in which you think fit to charge me with 'perjury' and 'insanity.'

"Permit me, Sir, to assure you that I am neither perjured nor insane; and as I am entirely unacquainted with you, and have never given you the least cause (that I am aware of) of personal offence, I confess that I am totally at a loss to account for so virulent and unprovoked an attack on your part.

"The utter recklessness of your charges will be better understood by the absurd inaccuraracies into which you have fallen with regard to facts;—

"1. Mr. Moullin did not die at my house.

"2. He made no death-bed confession.

"3. The Lieutenant Governor did not order a *post mortem* examination.

"4. There is no such thing as a jury in the Island of Guernsey.

"5. The proof of a plot did not rest entirely on my evidence alone.

"6. I never entertained an idea in my life that I was to be shot at, although I certainly was fired at on the evening of Moullin's funeral.

"7. I never nailed down my windows; nor were they ever nailed down by any one else, at any time whatever.

"8. I never have been in the habit of wrapping the union jack round my pulpit, &c.

"9. I never was reputed insane at any time, until you were kind enough to make the discovery; nor any of my family. I have had the honour to be brought up at the same school with Ralph Etwall, Esq., M.P.; Sir Edward Filmer, M.P.; Captain Archdall, M.P. &c., and I believe they will tell you I was not considered quite a fool at that time.

"Neither am I ashamed of those testimonials I obtained during my University career at Pembroke College, Oxford, and which are at your service if you desire them.

"At a later period, I have filled the responsible situation of first classical master at Elizabeth College, Guernsey, for six years of my life, with the entire approbation of the former and present principals of that establishment, as their testimonials will show, and I have now the honour of being senior director of that College.

"I have received the public thanks of the late Lieutenant Governor-General Ross for my humble exertions during the cholera in this island, and General Napier is perfectly satisfied I have done no more than my duty in the present melancholy affair.

"I also enclose you the certificates of the highest medical authority in this island as to my perfect sanity at the present time, and those gentlemen have known me from my boyhood intimately.

"And now, Sir, having given you every proof a man can offer of the falsehood of the infamous allegations contained in your speech (if such it be), I call on you to retract them or to give up your authority for making them. If not, I hold you personally responsible for what you have uttered. Really honourable Gentlemen should not be so ready to destroy the reputation and prospects of men with whose character they are totally unacquainted.

"The humble clergyman, whom you are pleased to style 'a perjurer' in the House of Commons, is proud to tell you, that he has more than once perilled his life and his liberty, when his honour was concerned, and he is not yet so utterly helpless as to suffer you, high though your station be, to be the first to throw a slur on his character with impunity either public or private.

"I, therefore, distinctly call upon you to disavow your assertions, to prove them, or to give up your authority for making them. If not, I hold you personally responsible for publishing a tissue of the most infamous falsehoods against me. I have little doubt but that you have been miserably deceived by some party advocate on this side of the water, and, as a gentleman, you can have no objection to furnish me with his name immediately.

"I have the honour to be, Sir,
"Your most obedient servant,
"Daniel Dobree, M.A.,
"Rector of the Forest and Torteval.

"Thos. Duncombe, Esq., M.P., &c."

The hon. Member also read several certificates as to Mr. Dobree's state of mind, and the following letter from General Napier:—

"*Haviland Hall, July* 23.

"Sir—As I see that your enemies, as unscrupulously as they are locally powerful, have determined to destroy your character and prospects, I give this testimony in all sincerity of belief in its truth, and in accordance with what I have more than once written to the Secretary of State for the Home Office. From personal observation, from the assurance of British officers, natives of Guernsey, and others not natives of Guernsey, from your general character, and from the straightforward, frank, earnest, and unvarying testimony you have given to me in private, to Mr. Dampier, and in my presence at the so-called secret inquest of the Royal Court, I have the most implicit confidence in the truth of your depositions. I feel sure that you are totally incapable of falsehood, and that perjury is as incompatible with your notions of honour, as it is incompatible with your sacred character of a Minister of the Gospel. All persons of honourable minds who know you, must start with indignation and horror at the infamous attempts now made to charge you with such a crime.

"W. Napier,
"*Lieutenant Governor.*

"To the Rev. Daniel Dobree."

"And now, Sir, pray tell me what is Mr. Thomas Slingsby Duncombe?

"I am, Sir,
"Your obliged and grateful servant,
"Daniel Dobree, M. A.
"Rector of the Forest and Torteval, Gurnsey,
"Forest Rectory August, 6."

He was justified in asking the Government whether they sanctioned the Crown Solicitor taking any part in this personal squabble between the Rev. Mr. Dobree and himself. It would be recollected that he appeared there in the discharge of his public duty. He knew nothing of any of these parties, he was merely the channel of communication between that House and the great body of the people of Guernsey. Mr. Dobree had charged those people with disaffection and disloyalty; a charge which was quite unfounded. It had been proved in a court of justice that Mr. Dobree was unworthy of credit. The following extracts from the account of the proceedings for using violent and seditious expressions, instituted against M. Lepelley, in the Royal Court of Guernsey, contained in the *Guernsey Star*, of the 15th of July, might throw some light on this matter. [The hon. Member quoted the paragraph.] What he complained of was, that when he moved for the correspondence which had taken place between the authorities of Guernsey and the right hon. Baronet, he should be told that the production of that correspondence would be injurious to the public service, and yet the Crown Solicitor and the Lieutenant Governor of Guernsey should be allowed from time to time to refer to it in the newspapers. He thought it but just that the correspondence should be produced, or that it should not be referred to by a subordinate of the Government such as he apprehended Mr. Dampier was. As to the charge which he (Mr. Duncombe) had made, he could only say, that he was borne out by the local press of Guernsey, which teemed every week with charges against Mr. Dobree, and which defied that Gentleman to indict them for libel. He wished to know whether the Government sanctioned its officers mixing themselves up with such matters as these?

Sir *J. Graham* said, it was evidently late in the Session, or the hon. Gentleman would never have taken up half an hour of their time to discuss such a question as this. If the hon. Gentleman had asked him whether the letter which had been addressed to him was a letter a clergyman ought to have written, he should have said at once that it was not. But if the hon. Gentleman thought it was worth while to enter into a discussion on this matter, he was bound to say that he entertained a very different opinion. He thought it was unworthy of prolonged discussion in that House. The hon. Gentleman stated that Mr. Dampier was in the employment of the Government. Now, the hon. Gentleman ought to be better informed before he made his accusations. Mr. Dampier held no situation under Government. He was sent to Guernsey to inquire into the state of affairs there, in consequence of the information he (Sir J. Graham) received, and which had led to the trial to which the hon. Gentleman referred. Having finished that inquiry, he was as independent of any relation with the Government as was the hon. Gentleman himself. With regard to the conduct of the Governor, he had never read the letter to which the hon. Gentleman referred. He had never seen nor heard of it till the present occasion. His time was too much occupied to read the Guernsey papers, from which the hon. Gentleman quoted so largely. The Governor had known Mr. Dobree, but the hon. Gentleman had not; he had formed his opinion on grounds which the hon. Gentleman had not, and he stated that he thought Mr. Dobree was a sane and a true man; and, being of that opinion, he could not say it was at all inconsistent with his duty to certify to that effect. He thought the hon. Gentleman should be, therefore, more certain of his information. The hon. Gentleman had also, yesterday, stated that he had received positive information that Sir J. Walsham had interfered as a Poor Law Commissioner in Durham and Northumberland, and had introduced Welsh labourers to defeat the colliers who had stood for higher wages.

Mr. *Duncombe* did not say that. He had read a paragraph from the local paper which he held in his hand at the time, and he wished to know from the right hon. Gentleman whether it was true? It was because he did not know that it was true that he made the inquiry. With regard to another point the right hon. Gentleman had made another misstatement.

Sir *J. Graham* said, he had yesterday stated that Sir J. Walsham had not interfered as a Poor Law Commissioner to put down the strike for wages in a district with which he had no connection. He (Sir J. Graham) stated that Sir J. Walsham had been an Assistant Poor Law Commissioner, and had resided in Northumberland—that he was a proprietor both in Lancashire and South Wales, and that he might, as an individual, have induced persons to go to those places and obtain wages. He did not mean to say that it was in the least dishonourable for an individual. He had not then seen Sir J. Walsham, but he had since an opportunity of referring to him, and he was authorized by Sir J. Walsham to say that he had never directly or indirectly, interfered in his individual or official capacity in the manner alleged. Nothing therefore could be more unqualified than his contradiction of the statement.

Mr. *T. Duncombe* said, he had never stated that he had received positive information. He had founded his question on a paragraph in the newspapers, and he had asked him whether it was true or not. The right hon. Baronet had also fallen into an error in supposing that it was he who stated that Mr. Dampier was the Crown Solicitor; it was Mr. Daniel Dobree who had stated this in his letter to the *Times*.

Capital Punishments.] Mr. *Brotherton* wished to ask the right hon. Baronet the Secretary of State for the Home Department whether it were in the contemplation of Her Majesty's Government to introduce any Bill in the next Session of Parliament, either totally to abolish Capital Punishments or to extend the number of cases of exemption from that punishment? He was quite convinced that these public exhibitions had a very injurious effect on public morals, and the melancholy occurrence which had taken place at Nottingham was a full proof of that. If the House would permit him he would just read an extract from a letter which he had received. He really thought it was more worthy of the attention of the House than some subjects which were introduced in that House. The hon. Member read an extract from a letter relating to the accident which had just occurred on the occasion of an execution, in which thirteen persons lost their lives, and said he wished to know whether it were the intention of Her Majesty's Government to introduce any measure to put an end to these disgraceful exhibitions, which, in his opinion, did not tend to prevent crime, but only to harden the minds of the people?

Sir *J, Graham* had no hesitation whatever in telling the hon. Gentleman that Her Majesty's Government had no intention to introduce any measure on that subject. His opinion was entirely the reverse of that expressed by the hon. Gentleman, as regarded the moral effect of executions in cases of murder. At the same time he must express his deep regret at the fatal occurrence which had taken place at Nottingham; though he must say, he had never heard an inference which appeared to him to have so little foundation as that this fatal catastrophe was at all to be ascribed to the bad moral effect of a public execution. The event might have occurred at a horse race, or even, through sudden panic, in a chapel. He repeated that he had no intention of proposing either the abolition or the remission in certain cases of capital punishments.

CAPTAIN WARNER'S EXPERIMENT.] Captain *Pechell:* As the right hon. Baronet had laid papers on the Table concerning Captain Warner, he would ask the right hon. Gentleman a question. He had received a model of a vessel from Shoreham, the port from which the ship destroyed by Captain Warner had sailed; and from that it appeared the ship had ropes fitted on board her, fastened from stem to stern, and that after the process it appeared that from 150 to 200 fathoms of line had been thrown overboard from the steam-vessel applied to the barque blown up, showing that a direct communication had been established between the steam vessel and the ship. He wished to know if the Government had received from the naval officers any communication calculated to explain or to affirm the suspicions which most people entertained with regard to that experiment.

Sir *R. Peel* had seen the reports which had been made to the Admiralty upon the subject by naval officers; but those officers had not been admitted into any very close communication with the vessels. He could not either confirm or deny the Report to which the hon. and gallant Member had referred. The experiment, he would not deny, might have been performed in the manner in which Captain Warner represented; but with respect to the ropes, he had no opportunity of satisfying himself on the subject in such a manner as to enable him to answer the question, not that he meant to imply that the vessel had not been blown up in any other way than the one which had been represented. If the hon. Gentleman had read the correspondence he would see that it was not likely that he (Sir R. Peel) would enter into any incautious engagement. He would not give 400,000*l.* or even 100,000*l.* for the blowing up of a vessel, without having the vessel pretty closely examined beforehand; but he again repeated, that he did not mean to insinuate that there had been any unfair proceeding on the part of Captain Warner.

THE LAW OF SETTLEMENT.] Sir *J. Graham* rose to move for leave to bring in a Bill to amend the Law of Settlement; and, important as was the discussion which took place on the subject of the Poor Law only a short time ago, the branch of that law which he was now to bring under the consideration of the House was not to be considered of secondary importance. The difficulties of the subject were best illustrated by the numerous ineffectual attempts which had been made to effect an alteration in the law. He could not better state to the House the magnitude of the question before them than by pointing out the number of orders issued annually in England for removals and the large number of persons affected thereby. From a Return which he held in his hand, it appeared that during the year ending September 29, 1841, there had been upwards of 11,000 orders of removals executed in England, and that no less than 32,000 persons had been affected by those orders. This was independent of the removals to Scotland and Ireland, which amounted to more than 7,000, and affected at least as many as 14,000 persons. The House would thus see that according to this estimate, which was based in actual returns received from 485 Unions, there had been in this country 18,000 orders of removal in a single year, by which the fortunes and happiness of not less than 46,000 persons had been materially affected. The word "removal" implied a great amount of human suffering and sorrow, and its operation was no doubt very painful to the poor upon whom it was inflicted. At the same time, however, it was a necessary law, and it was the duty of the House to consider under what circumstances it ought to be upheld, and how any modifications might be effected in the evils produced by it. It had been well observed by no less an authority than Adam Smith,

> "That there was no poor man who had reached the age of forty years, among the working classes, who had not some reason to complain of the Law of Settlement in England; and the cause of this was, that the law in this country was of so remarkable a character and that the boundaries of the parishes in England were so indistinct. In other countries, mountains, rivers, and arms of the sea divided parishes, but in England it was not so."

He made that quotation to show the importance and difficulty of the subject. The course which he proposed to the House was to repeal all the statutes at present in existence on the question, and to proceed to legislate *de novo*. It would thus be necessary to repeal between thirty and forty Acts of Parliament. The Bill would, therefore, bring into operation a new Law of Settlement, it would regulate removals and appeals on removals, and it would also stand out in bold contrast to the existing statutes, as it only consisted of thirty-four clauses. The subjects disposed of by it were first the right of settlement, next the power of removal, and then the law of appeal upon orders of removal. First, with respect to existing settlements, he proposed that where the settlement had been ascertained by a past order, fixing the settlement, which had been confirmed by a competent authority, or by an admission in writing, such a settlement should not be disturbed, but be held final. The means of acquiring a settlement at present were eight in number—viz., by parentage, by apprenticeship, by renting a tenement of a certain value, by holding certain offices, by payment of rates, by birth, and by marriage. A year's hiring was a ninth mode, but no past settlement could be gained in that manner. Since 1834, although removals on the ground of settlement so gained previously, might still take place. He proposed to repeal all these, and his proposition was, that henceforth birth, and birth only, should be the ground of settlement, and that the place of birth should be held to be the place of settlement, if proved; but that (failing that proof) derivative settlement should be allowed in two degrees, and two only. First, in the case of legitimate children, he proposed to admit the father's settlement, and, failing that, the mother's settlement should be good. In the case of children, who were not legitimate, the place of birth should first determine the settlement, which failing to be proved, the mother's settlement should determine the question. He did not, however, propose to carry the derivative settlement any further and no person should desire any settlement from his grandfather or grandmother. He would then declare that no other mode of obtaining a settlement could be received, while he provided, that on proof thereof, every unsettled person should be relieved where destitute, and that relief must be continued until the destitution ceased, or a settlement were found for him. He would also declare by the Bill, that the registry of births, and the baptismal registry, so far as they supplied proof of the place of birth, be received as evidence of birth, and that a married woman should not be removed from the place of her husband's settlement. The place of birth was not at one time, by an oversight, included in the registry, but by a subsequent Act that mistake had been remedied, although in consequence of the error it had been omitted for a small period. There might probably still be many imperfections in the plan which he proposed, but he could not help thinking that it had the advantage of great simplicity contrasted with the old system. He had thought it better that the law should take its stand on one common ground of settlement, rather than on four or five different principles of less general application; and on the whole he was of opinion that birth and the derivative settlements which he had mentioned were the most defensible, the most sure, and in all respects the best. He now proposed to draw the attention of the House shortly to the second branch of the question,—the law of removal. In dealing with this matter, it was most difficult to reconcile the interests of the two great classes of the community—the town and the rural population. Any change in the law which impeded the gaining of a settlement, and which facilitated removal, was acceptable to large towns; while, on the other hand, any change which facilitated the gaining of settlements and impeded removals was acceptable to the rural districts. The proposition he had first made, fixing birth and parentage as the groundwork of settlement, would be acceptable in one quarter; and he now sought to balance that advantage by his proposition in the respect to removals. His object was to impose restrictions upon removal. He proposed that parties should not be removable in the following cases—first, in that of a man who had ordinarily resided and worked in or near the parish for five years, and who had not been convicted of felony or misdemeanour. This provision would be applicable to natives of Scotland and Ireland as well as to the people of this country. Secondly, he proposed that no woman residing with her husband at the time of his death in the parish of his settlement should be removable to her own parish after his death. Thirdly, he proposed that no widow whether living in her husband's parish or elsewhere, should be removable for twelve months after his death. Fourthly, he proposed that no legitimate child under sixteen years of age should be removable from its father. Fifthly, that no legitimate child after its father's death and no illegitimate child under sixteen years of age should be removable from its mother; and sixthly, that no one becoming chargeable by sickness or accident, should be placed under order of removal till he or she had received relief for forty days consecutively. He also declared, that persons requiring relief should be relieved wherever they were resident, irrespective of their settlement. He now came to the third branch of the subject, which related to appeals against orders of removal, and to the execution of them. He proposed to enable parties, as it were by agreement, to give effect to orders of removal without having recourse to the intervention of Courts of Law. If an order of removal was obtained, he proposed that the overseers of the removing parish should be required to send a copy of the order and a statement of the grounds of removal, to the officers of the parish to which they proposed to remove the pauper, within seven days of the issue of such order. He proposed to allow to the parties to whom such statement was sent within twenty-one days after the receipt of the notice, to determine whether or not they would resist the removal; if they objected to the order of removal, they would be required to send to the removing parish a statement of their reasons for so objecting. If no notice of objection was given, the overseers of the removing parish might remove the pauper at the expiration of forty days after giving notice of their intention. He proposed also that an appeal should be tried at the next Sessions, after the expiration of fourteen days from the time of giving notice of such appeal; and that no grounds of removal or of appeal should be gone into, except those contained in the statements of the respective parishes. He would now call the attention of the House to some special enactments with reference to the Scotch and Irish poor. There was, as many hon. Gentlemen would probably be aware, great hardship with respect to the removal of these paupers. He proposed that rules should be made by Justices of the Peace, in their respective districts, providing for the removal of Scotch and Irish paupers as far as was practicable, to the places nearest to those of their birth and original residence. He believed that removals of Scotch and Irish paupers were frequently made upon very light and insufficient legal grounds; and that such removals would certainly be set aside upon appeal in England. This evil he ascribed to the absence of the power of appeal; and he was, therefore, most anxious to afford the power of appeal with reference to the removal of Scotch and Irish paupers. He proposed to effect that object in this manner: — When any removal should have taken place, upon illegal or insufficient grounds, either to Scotland or Ireland, on the representation of local bodies, or of parties interested in such removal, he would propose that the Poor Law Commissioners, on representations being made to them, should have power to cause an appeal to be prosecuted at the Sessions against such order of removal; and that, if the order was quashed, the parish by which the order had been obtained should pay all the costs of the removal, and of bringing back the party removed to the parish whence he or she had been removed. He was aware that objections might be urged against his proposition; but he believed that, on the whole, it would conduce to the advantage of the whole kingdom. He was satisfied that this measure contained most salutary and humane provisions with respect to Scotch and Irish paupers. The measure would repeal thirty or forty existing Statutes; it would place the whole question on a clear, succinct, and intelligible footing; and, although some alterations in detail might be necessary, he believed that to the principle of this Bill there could be no objection. The right hon. Baronet concluded by moving for leave to bring in a Bill to consolidate and amend the laws relating to parochial settlement, and the removal of the poor.

Mr. *Hawes* thought the course adopted by the Government was most beneficial, since it afforded the country ample time to consider these important matters before they came under the consideration of Parliament. He could hardly be expected at once to pronounce a decisive opinion, but this he would say, the spirit which had characterised the observations made by the right hon. Baronet was most praiseworthy. There was, however, one branch of the subject to which he wished to call the attention of the right hon. Baronet, and that was the total absence of all superintendence over the removal of paupers to Scotland and Ireland after their embarkation. He had that morning received a letter on the subject from a man in humble life, and he would read it to the House, believing they would not think it was altogether unnecessarily occupying their attention:—

"*August* 6, 1844.

"I happened to be a deck passenger, and sailed from Cork to London last week; the misery of the deck passengers I cannot possibly tell; there were a great number of men, women, and children, cows, calves, pigs, and dogs. Some of the pigs died. They were nearly all huddled together, and almost all sea-sick together, Christians and cattle alike; the Christians, old and young, had no place to sit down upon, or rest on, but the level deck; they were absolutely sick upon each other, without the power of moving, or of giving themselves any relief. They had no water-closet that they could go to from Friday till Monday in the next week. There they were left to lie, and nearly die upon deck, old and young, men, women, and children, crouched in every nook they could find. Now, surely, the shipowner ought to have some place for these poor destitute creatures to go into out of the cold, dirt, and wet. They ought also to have buckets left for them; they ought to have something to sit or lie upon. Well, in the morning, it is the custom for the sailors to wash the decks, which is much wanting; but how are the poor creatures to manage? The hose is opened at all sides, they have no dry spot to creep to, and if they are not quick to shift for themselves and their little luggage, they will be wet through, and their little stock of provisions spoiled. What I have stated here is but a tithe of their sufferings."

He thought the provisions of the proposed Bill would greatly lessen the number of paupers to be removed, and he hoped power would be given to the Poor Law Commissioners to see that a proper person should be appointed to superintend the embarkation of these paupers, so that they might not be left utterly destitute. He hoped every hon. Member would well consider the Bill during the recess, and he, for one, should come to the discussion of it rather with a view to assist the right hon. Baronet in his attempts to amend the existing law than in a spirit of opposition to the Government.

Mr. *Brotherton* was well aware that there was a great jealousy existing regarding the law of settlement as between the town and country districts. He was not disposed to regard the principle of the Bill unfavourably, but he would not pledge himself to details. There existed great hardships in consequence of the removal of persons who had been residents in a place for many years. It was seen, with regard to the Irish and Scotch paupers, who, probably, had been in a manufacturing town in England for thirty years, when in need of some temporary assistance, have been removed to Ireland or Scotland, where they had no settlement. He considered this a very great hardship. Then with regard to the removal of paupers in England, the right hon. Baronet had stated that there were 30,000 removals in England in the course of the year. In the borough of Salford, consisting of 50,000 inhabitants, the removals were more than 300 per annum. The expense averaged about 2*l.* each. In the last three years the expense of the township of Salford was 1,800*l.* for the removal of these persons. A great portion of this sum consisted of law charges. If this money were laid out in relieving these parties until they could again obtain employment, it would be for the benefit of the township. The right hon. Baronet proposed that relief should be granted for forty days before the parties were removed. For this the country was much indebted to the right hon. Baronet. He should willingly give every possible support to the measure.

Mr. *Wakley* thought the Bill would have an opposite effect to that anticipated by the hon. Gentleman, and that it would necessarily throw the burthen on the agricultural districts. He thought, therefore, considering the position of the Government, it was a measure of great boldness, and one for which they were entitled to much credit. Since the Bill had been announced, it had been looked forward to with great anxiety by all who were interested in the law of settlement. He was glad the hon. Member for Lambeth had called attention to the hardships attending the removal of paupers. The frightful sufferings endured by these poor people under the present system could hardly be conceived. Every kind of cruelty was inflicted on them; and if the right hon. Baronet had tried to make out a case to excite the feelings of the House he might have done so with the greatest possible fairness, for he could hardly have exceeded the reality. They were treated almost as if they were criminals, or shipped off as so many slaves. He could not understand how it happened that Irish Gentlemen were so quiet on this subject. If this Bill did not provide against the continuance of this evil it would be exceedingly defective. He was very glad to find the practice commenced of bringing in Bills at the end of the Session, so that the country might become acquainted with their principle and details before they were discussed in Parliament. He thought this was a great improvement in their practice. Whatever were the defects in the Bill of last night, the fact of its being introduced at the end of the Session proved that the right hon. Baronet believed it to be right, and was satisfied both with the soundness of its principle and of the details by which it was to be carried into execution. He hoped that an example so good, and so fully and completely begun, would be followed in all future Sessions and by all future Governments.

Mr. *Wyse* said, that Irish Gentlemen had long felt deeply interested in the subject of the removal of paupers. He thought the present Bill calculated to remove many of the evils of the present system. He did not understand whether it was proposed to extend the Bill to Ireland; but he believed that without some such measure it would be impossible to repress mendicancy in that country.

Sir *J. Graham* thanked the House for the cordial reception they had given to the Bill, and said he would offer one or two observations with respect to what had fallen from hon. Gentlemen opposite. The hon. Member for Finsbury had said, that by laying measures of this importance before the House at the close of the Session, the Government gave time for deliberation, and evinced a consciousness that they were doing right. But they did more than this—they showed a willingness to correct error, should it be discovered, by bringing public opinion to bear on these questions. They had felt it their duty to take this course in dealing with such an immense subject as that of the medical practice of the United Kingdom, and in presuming to propose an alteration in the law of settlement. The hon. Member for Salford had fallen into an error which had been corrected rightly by the hon. Member for Finsbury. He thought the burden of parentage would not be thrown disproportionably on he manufacturing districts, or on the population of towns; but, on the contrary, that the objections would arise from the rural population. The attraction of manufacturing industry was from the country, and the effect of periods of manufacturing distress was to throw pauperism back on the rural districts. Allusion had been made to Irish paupers, and the mode in which they were said to be sent to their settlements; but the hon. Member (Mr. Hawes) who gave the House the particulars had forgotten to state that the amalgamation of men, women, pigs, calves, &c., was a description of Irish labourers coming over from Cork to England as deck passengers to seek employment, and not of Irish paupers sent from London to Ireland. The alleged sufferings were voluntary sufferings, sustained by the labouring Irish at particular seasons when they went in search of work to England at haymaking and harvesting.

Mr. *Hawes* had read the letter with a view to show what were the sufferings to which poor people (not paupers, as the right hon. Gentleman had described them), were liable on their passage between England and Ireland, leaving the House to infer what must be the sufferings of paupers.

Leave given.

Bill brought in and read a first time; to be read a second time in three months.

APPOINTMENT AND FEES OF CLERKS OF THE PEACE, &c.] Sir *J. Graham* said he was happy to announce to the House that he had now arrived at the last Bill which he had to lay before them at the close of the Session. It was a Bill to which he attached great importance, for regulating the duties, and the amount of fees, to be discharged and received by Clerks of Magistrates, Clerks of the Peace and Clerks of Assize. He would take them in order:—including Clerk of the Arraigns, Clerk of the Indictments, and Clerk of the Assize, and various other officers who go with the Judges on the Circuit. The great object with respect to the two first classes, namely Clerks to Magistrates and Clerks of the Peace, was to substitute salaries in lieu of fees. Another object of the greatest importance was, that the Magistrates in Petty Sessions should hold their Courts in public —that they should meet in a fixed place, and on fixed days, instead of meeting, as they now often did, in their own Houses, where the business was conducted in private. By this Bill that object would be obtained. He further proposed, that the Clerk of the Magistrates not now acting as such, but hereafter to be appointed, should be an attorney of a certain standing. He knew that the hon. Member for Finsbury would object to this, because it was the opinion of that hon. Gentleman that the law was not best executed by lawyers, and that professionally educated men were not the best practitioners. The county would be divided into petty Session divisions, and each division would have a Clerk and the salary of each Clerk would be fixed by the Magistrates in Qnarter Sessions. Any fees legally payable to the Clerk, would be carried to the county stock. This, he thought would secure regularity in the despatch of the public business, and impartiality to the parties seeking justice. With regard to the Clerks of the Peace, they would be required to make out an account of the fees which they had received for the seven years preceding the 1st of January, 1844, and he proposed to legalise all fees which had been received for fifty years previously. These lists of fees were to be sent to the Secretary of State, who would require them to be tested by the proper parties. The salary would be paid upon an average of the fees received during the last seven years. But fees received that were not found to be legal would not be included in the average. The lawful fees would still be received by the Clerks of the Peace; if they amounted to more than the salary assigned to him, the surplus would be paid to the county stock; and if they fell short of the amount of his salary, the difference would be paid to the Clerk of the Peace out of the county fund. Power would be given to the Secretary of State to prepare a uniform scale of fees to be received by the Clerks of the Magistrates, Clerks of the Peace, Clerks of the Assize, Clerk of the Arraigns, Clerk of the Indictments, and the Associates of the Judges, and all other officers attending the administration of justice. He proposed to abolish all fees on traverses, as well as upon proclamations and the discharge of prisoners. And if any person should take fees which were not allowed and fixed by the Secretary of State, he should be liable to a penalty of 5*l.* The right hon. Baronet then moved for leave to bring in a Bill to regulate the appointment and payment of clerks and other officers of the court of Petty and Quarter Sessions of the Peace, Oyer and Terminer, and Gao -delivery.

Captain *Pechell* considered the Bill would improve the existing state of things. He hoped, however, that Petty Sessions would not be granted to those places which had not proper accommodation for the Magistrates. He thought that the practice of holding sessions at inns and public houses ought to be done away with; and he considered that those places which failed to provide a proper building for the bench ought not to have the privilege of Petty Sessions. With respect to the alteration in the appointment of Clerks of the Peace and to Magistrates, he hoped those attorneys who were violent political partizans, would not be allowed to be eligible to the office.

Mr. *Bickham Escott* said, one of the highest objects a Secretary of State could aim at was the purification of the country from that gross system of extortion which had been hitherto practised in those departments which the Bill particularly referred to. He would not enter upon the details; he would content himself with one remark in relation to the provision for abolishing fees. It was proposed that fifty years' usage should be taken as an evidence of the legality of such fees. But what he submitted was, that in cases where fifty years of gross extortion had existed, the clerks, before sending in their average incomes, should first have this system of extortion put an end to. He recollected an instance when three persons had been indicted for perjury at Dorset Assizes, when the expenses they were put to before they were suffered to plead amounted to 9*l.* sterling. He had known another case, in which two respectable persons in nearly the same circumstances, anxious to come immediately to their trial, had been put to an expense of 24*l.* before pleading, and told they could not come to their trial immediately without the consent of their prosecutor. The same had happened even at the Quarter Sessions. Now, this was occasioned in part by men who knew they were by their extortionate conduct liable to indictment and a penalty. All he wished was, that before the House was called upon by those parties for remuneration under this Bill, the House should be furnished with information as to which of those parties had been guilty of unjust exaction, so that they might not be suffered to forward an exorbitant claim upon the amount of their own extortions.

Mr. *Wakley* would recommend the appointment of a Committee in the next Session, to ascertain by whom, and to what extent, fees had been extorted. He highly approved of the nomination of a lawyer to be Clerk to the Magistrates, for as Justices proverbially had little knowledge of law, it was fit some person who at least pretended to an acquaintance with it should assist them. He congratulated the country on the variety of excellent Bills which within only a few days had been introduced; and as the real business of the country was better done by a small than by a large number of Members, he saw every reason why the Session should be prolonged, at least until these beneficial measures had been passed. While Government was in such a happy mood it would be a pity to deprive it of the opportunity of doing so much good.

Mr. *Gally Knight* said, that he could not refuse himself the pleasure of tendering his best thanks to the right hon. Baronet, the Secretary of State for the Home Department, for his introduction of a Bill, which he was sure would be considered as a boon by every Magistrate in England. Magistrates had long been as alive as the hon. Member for Finsbury could be to the objectionable consequences arising from the present state of the law respecting the Clerks' fees. The law, as it now stood, obstructed the administration of justice. Magistrates continually felt themselves compelled to make unseemly bargains with the delinquent, and not to convict when they ought to convict, rather than subject a man who had committed some trifling offence, and whose means were very small, to so severe an infliction as, in many cases, the fees alone on conviction at present entailed—over which fees the Magistrates had no control. The Clerks must be paid, but they ought to be paid in a different way. The hon. Member for Finsbury had spoken slightingly of the country Magistrates; but there could not be a greater mistake than to suppose that they were disliked; and, if the hon. Gentleman would only make an excursion into the country, he would find that the Magistrates and the people went on very well together. But he (Mr. Knight) had not risen to discuss the merits of the Bill. His sole motive in rising was to thank the right hon. Baronet, the Secretary of State for the Home Department, not only for the introduction of this Bill, but fort he manner in which he had done his work during the whole of this long and trying Session; for the labour which he had devoted to the public service; for the temper and conciliatory spirit which he had evinced in that House; for the prudence and firmness with which he had restored and maintained domestic peace, and for the ameliorations which he had sought to introduce into many laws more immediately connected with his own department. Never, he would take upon himself to assert, had the high office which was held by the right hon. Baronet, never had it been more ably or honourably filled.

Leave given.

Bill brought in and read a first time.

The House adjourned at ten minutes to nine o'clock.

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HOUSE OF LORDS,

Friday, August 9, 1844.

MINUTES.] BILLS. *Public.—Received the Royal Assent.*—Consolidated Fund (Appropriation); Church Endowment; Poor Law Amendment; Municipal Corporations; Duchy of Cornwall Assessionable Manors; Roman Catholics Penal Acts Repeal; Metropolis Buildings; Piccadilly Improvement; Insolvent Debtors Act Amendment; Railways; Turnpike Trusts (South Wales); Controverted Elections; Woods and Forests Accounts; County Coroners; South Sea Company; Savings' Banks; Slaughtering Horses; Clerks to Attorneys; Tralee Navigation and Harbour; Salmon Fisheries (Scotland); Marriages (Ireland); Spirits (Ireland); Grand Canal (Ireland); Arms (Ireland); Protection of Purchasers, etc. (Ireland); Charitable Donations and Bequests (Ireland); Grand Jury Presentments (Dublin).

Private.—Received the Royal Assent.—Middle Level Drainage and Navigation; Paisley General Gas; Duke of Hamilton and Brandon's Estate; Leeds Vicarage (Dr. Hook's); Gape's Divorce.

PETITIONS PRESENTED. From Dublin Protestant Operative Association and Reformation Society, against the Roman Catholic Penal Acts Repeal Bill.—From Guardians of South Dublin Union, against the Poor Law (Ireland).

COURTS OF LAW (IRELAND) BILL.] Lord *Wharncliffe* rose to call their Lordships' attention to the Commons' Reasons for "disagreeing to one of the Amendments made by their Lordships in the above Bill." The Bill as it came from the Commons gave the appointment to certain offices in the Courts of Law to the Lord Lieutenant. Their Lordships had altered that Clause, and placed their patronage in the hands of the Judges of those Courts. The objection of the Commons to the Amendment was, that so far as the records relative to these appointments were extant, or could be traced, the patronage to these offices appeared to have been vested in the Lord Lieutenant of Ireland. He was of opinion, that the patronage should still, according to ancient usage, be continued in the Lord Lieutenant; and therefore he should move that their Lordships do not insist on their Amendment to this Bill.

The *Lord Chancellor* said, he could see no reason whatever for departing from the opinion which he had formerly expressed on this subject. He would state to their Lordships what was the position of this question. There was no doubt, that by the Common Law of England and Ireland, the appointment of these ministerial offices was in the Judges. No one, he conceived, could controvert that proposition. He would admit, however, that the Common Law might in this, as in other respects, be controlled by prescription. But prescription in Ireland, except with reference to certain offices, was the same as in England. The case of Chief Baron O'Grady, of the Court of Exchequer in Ireland, was illustrative of this point. The question there turned entirely on prescription. Prescription was there opposed to the claim set up at Common Law, and the decision was against the Chief Baron, that which he resisted being justified by prescription. But many cases could be cited to prove that the Common Law gave to certain officers the appointment to particular situations. Thus, at a long antecedent period, when the Crown claimed the right to appoint to certain offices which had been ordinarily disposed of by the *custos rotulorum*, it was held that, by the Common Law, the appointment was vested in that officer, and the decision was against the Crown. Now, with respect to the present case. By the 1st of George IV. all these sinecure offices were abolished as nuisances, and compensation was granted to the parties holding them. New offices, of an efficient description, were created—duties were attached to those offices, for which working men were required; and, unless a specific Clause had been introduced into the Act of Parliament depriving the Judges of the right to nominate persons to those offices, they would have possessed that right. Now, he would say that it was most improper to introduce such a Clause. What was the mode adopted here, under similar circumstances? What was done here, when a similar reform was made? Why, the Common Law was allowed to take its course, and the appointment of offices in the respective Courts was left to the Judges. Nothing could be more proper or reasonable. The Judges had a right to appoint their own officers, who drew up their own proceedings,—who registered their own acts—for which the Judges were alone responsible. Now, what was the case with respect to Ireland? The 1st of George IV. abolished these useless offices. New offices were created—new officers were appointed—new salaries were granted—and a different description of duties was marked out. If the Act had stopped here, the appointment of officers would have rested with the Judges; but, by an express Clause, that power was taken away from the Judges. That was not the course taken in the English case; and, by adopting such a principle, they would be putting the Judges of Ireland on a different footing from the Judges of England. Such a proceeding he viewed as unwise, as unjust, as degrading towards the Judges of Ireland. But it was argued that these appointments formed part of the patronage of the Lord Lieutenant of Ireland; and what was this mighty patronage that was so strongly contended for? Why, if a Lord Lieutenant was so fortunate as to hold that office for ten or fifteen years he might chance to have the appointment of one single individual as Master, with a salary of 1,000*l.* a-year, for the performance of most laborious duties. Such was the patronage claimed for the Lord Lieutenant. It was to secure such patronage as this that the Irish Judges were to be placed on a different footing from the Judges of England. It would be most unwise and unjust to place the Irish Judges on a different footing from those of England. There ought to be no disparity between them; and such an uncalled for distinction would certainly be looked on as an insult to Ireland. He was certain that those venerable and learned men, the Judges of Ireland, did not care for their patronage of these offices; but they must feel sensibly the distinction that was sought to be made, because it evidently threw a slur upon them; and, knowing the respect that was due to themselves, they could not, without the greatest dissatisfaction, see themselves placed on a footing inferior to that of the Judges of this country. On these grounds he justified his adherence to the opinions which he had formerly stated. He was sorry to dissent on this occasion from his noble Friend, for whose abilities he entertained the greatest respect. But nothing which he had heard from his noble Friend had shaken his opinion; and, therefore, he felt it to be his duty to vote against his noble Friend's proposition.

Lord *Campbell* said, he had moved the Amendment which had been objected to; and therefore, though his noble and learned Friend on the Woolsack had advanced arguments in favour that were conclusive, he wished to offer a few observations on the subject. A Bill relative to these sinecures had been laid on the Table of the House of Commons two Sessions ago by Lord Eliot. The Bill contained a Clause giving the patronage of certain offices in the Courts to the Judges. That measure had been delayed, why he knew not; and had been at length abandoned. The Bill then before them was introduced in the present Session; but the Irish Judges had never been consulted about it. Not one of them had been asked what course it would be proper to take with reference to his own Court or with regard to public good. In that Bill a Clause was introduced giving the patronage of these offices to the Lord Lieutenant of Ireland. Deeming the Bill highly objectionable in the form in which it stood, he had prepared an Amendment, which he brought before the notice of their Lordships whilst the Bill was in the Committee. The noble Lord the President of the Council, who was present, had requested him, in his place and openly,—for he was not stating anything that had taken place privately in the matter,—to delay his Amendment for a day or two, whilst he consulted his Colleagues respecting its insertion, and accordingly the further consideration of the Bill and the Amendment was put off for two or three days, during which interval he felt morally, though he could not say he was possitively, certain the noble Lord had consulted his Colleagues and obtained their consent to his Amendment; for, on the reconsideration of the measure, it was adopted, as he had already stated unanimously. The noble Lord now proposed to strike out his Amendment, and to restore the Bill to its original state, and he gave a jobbing reason. [Lord *Wharncliffe*: The reasons are not mine, but those of the Commons.] Aye, but the noble Lord had adopted those reasons as his own, and had urged them on their Lordships' attention. He therefore repeated that the noble Lord gave a jobbing reason for his proceedings, and stated that his Motion was in order to let the Lord Lieutenant have some patronage at his disposal. Now he had consulted with two noble Lords, Members of that House, who had held the distinguished post of Lord Lieutenant, with respect to the propriety of his views, and both those noble Lords—he alluded to his noble Friend the Marquess of Normanby, and to another noble Friend, Earl Fortescue—and they unanimously came to the conclusion that the patronage in question ought to be the gift of the Judges. Those noble Lords were neither of them present in order to support those views with their votes, or they would most certainly have done so; they were absent under the supposition, no doubt, that the Amendment in the Bill by which their views were realized having been carried unanimously, there would be no further question about it. A noble Lord also, a late Lord Chancellor (Lord Cottenham), who, he regretted to observe, was not in his place, had also supported his Amendment, and had expressed his satisfaction with it. He trusted, therefore, their Lordships would not depart from the dignified course which they had already pursued towards the Judges of Ireland, but that having once unanimously assented to the maintenance of the rights and privileges of that venerable and upright body of men, they would persevere in that course, and they would, he hoped, listen to the advice, he would not say obey the mandate, of the noble and learned Lord who presided on the Woolsack, whose Counsels were always so valuable in his estimation, that if he had expressed his disapprobation of any measure which he (Lord Campbell) had brought forward, and say that it ought to be thrown out, he should acquiesce implicitly in such an opinion. He hoped their Lordships would persist in adhering to the Amendment which they had so unanimously adopted.

The Earl of *Wicklow* said, that the Lord Chancellor was the responsible Law Officer of the Crown in their Lordships' House; and it was by his advice and opinion that their Lordships ought to be guided in respect of Bills such as that under discussion: indeed, he strongly felt that their Lordships were in a manner bound to act in the way that the noble and learned Lord had expressed it to be his intention to proceed with regard to the Amendment, and to persist in maintaining it against the Commons' House. At all events, he hoped their Lordships would not suffer the objects which that Amendment was calculated to effect to be defeated by the extraordinary conduct which had been resorted to for that purpose. The noble Lord the President of the Council had urged in defence of the alteration made in the Bill, that it was the act of the House of Commons, and that that House had deliberately persisted in it upon a conference being had with them on this point. He wished to speak with all due respect of the House of Commons; but of what was the House of Commons composed at that period of the Session? Why, literally speaking, the House of Commons at the present moment consisted of a few hangers-on of the Government, who were merely kept together for the purpose of enabling the remaining business of the Session to be gone through. What was the other reason assigned by the noble Lord, the President of the Council, for assenting to the omission of the Amendment? Why, that some patronage ought to be at the disposal of the Lord Lieutenant of Ireland; and, in order to do this, the noble Lord called upon them to rob the Judges in Ireland of a right which was theirs by Common Law, in order to bestow it upon the Lord Lieutenant. He felt excessively sorry, that on the last day of the Session, Her Majesty's Ministers were found in their places advocating principles which could not fail to be offensive to Ireland and her people; and that was the mode in which the noble and learned Lord on the Woolsack had stated the question to their Lordships. The noble and learned Lord had stated truly, that anything which showed distrust or suspicion, or by which contumely was thrown upon the Judges of Ireland, must be offensive to the people of that country. That was the way the noble and learned Lord had put the case. The whole Bar of Ireland had expressed their feelings on the subject of the Amendment. He had received a letter himself from the learned Chief Justice of the Common Pleas on the subject, and other noble Lords had received communications relative to the same matter from several learned Judges: and what did they all say? They unanimously expressed not only a wish that the Bill should remain in the state in which it was after the Amendment of the noble and learned Lord opposite had been introduced, but they also stated that not one of them had been consulted as to their wishes on the subject by the Government. He trusted, therefore, under these circumstances, that their Lordships would persist in their Amendment. The result of that course would doubtless be that the Bill would fall to the ground. It had already been before the Legislature during two successive Sessions, and the only effect of this delay would be that when the Government brought it forward again in the ensuing Session, the Irish Members would be prepared to express their sentiments on the subject, and to protect the rights and privileges of their Judges. Their Lordships were arrived at the last period of the Session, and he called upon them to maintain, in their last act of legislation, a fair and equitable dealing towards the Irish people, and not to cast an insult upon their Judges by placing them upon a different footing to that which was insured to the Judges of England.

The Earl of *Haddington* said, that if any stranger had entered the House without being previously aware of the exact question before their Lordships, he would have supposed that they were debating some one of the great vital topics which struck home to the hearts of the people of Ireland, and that, in short, their Lordships were discussing the "justice to Ireland" question. Now, what was the subject under consideration? and, notwithstanding the *ad captandum* arguments that had been addressed to their Lordships, did the people of Ireland, he would ask, care one farthing respecting the matter? The question was, whether certain patronage now in the gift of the Irish Judges should remain at their disposal or be transferred to the Lord Lieutenant of Ireland. That was the question, and he would confidently ask their Lordships if the people of Ireland could by any possibility ever attach any nationality to such a subject of debate, or consider it as of the slightest importance to them, generally speaking. The Amendment under consideration did not originate with the Government, but was proposed by, and adopted at the suggestion of, the noble and learned Lord opposite, who had conceived such a sudden regard and respect for his noble and learned Friend on the Woolsack.

Lord *Campbell* protested that he had always entertained a high respect for the noble and learned Lord.

The Earl of *Haddington*: The noble and learned Lord on the Woolsack, however had not considered it necessary to introduce any Amendment into the Bill, or he would have done so. Besides if the Judges in Ireland were so dissatisfied with the Bill, why had they not complained to the Government?

The Earl of *Wicklow*: Because the only part of the Bill to which they objected was altered when the Amendment of the noble Lord (Campbell) was carried.

The Earl of *Haddington*: That was very true, but why did they not, when the Bill was introduced as it originally stood, protest against it if they considered themselves so much insulted or aggrieved by any particular Clause. The fact was, the office of Lord Lieutenant of Ireland had very little patronage attached to it, and this was felt to be an inconvenience. The Bill proposed to remedy it in some degree —and the question was, how the patronage conferred upon the Lord Lieutenant could be disposed of by him. That functionary was in a very responsible position. He was watched most narrowly by the Irish people, and though the duties of his position never called upon him for any very active exercise of power, he was still considered as responsible for the acts of the subordinates of Government, and was consequently very much in the eye of the public. He therefore would defy any Lord Lieutenant to make an appointment under the present Bill which should be an unfit one. He did not mean by this to deny the fitness of the Judges to make the appointments in question, but he merely meant to assert the propriety of vesting the power to make them in the Lord Lieutenant. He should vote against the Motion of his noble and learned Friend on the Woolsack with great reluctance: but the Bill was in his opinion a good Bill; it saved the country 18,000*l*, a-year, and he must therefore do so. If their Lordships chose to act upon the advice tendered to them by the noble and learned Lord, and to disagree with the Amendments of the Commons, the Bill would be lost. Now as the Bill was a good Bill, and as it was calculated to effect a great saving besides many useful objects, he should, though very unwillingly vote against the Motion of the noble and learned Lord on the Woolsack.

The Marquess of *Clanricarde* said, that the conduct of the Government upon this measure was marked by considerable vacillation and indecision. The noble Lord the President of the Council had first consulted his colleagues respecting the Amendment of the noble and learned Lord near him (Lord Campbell) and then had permitted it to be inserted in the Bill. When the Bill came up from the Commons both the noble Lord and the noble Earl (Haddington) opposite had declared the difference of opinion in it between their Lordships' House and the Commons' House to be unimportant; and yet, after consulting their Colleagues again, they came to a contrary conclusion and determine upon persisting in the Commons' Amendment, though the noble and learned Lord on the Woolsack had expressly stated that the result would be injurious to the Judges of Ireland. The decision of their Lordships on this point would be narrowly observed. He hoped they would not offer so grave an insult to the Judges of Ireland, as the Bill would convey, merely for the purpose of claiming a share of patronage for the Lord Lieutenant. He took the course which he was then pursuing simply on that ground. He had received in common with other noble Lords a letter from Lord Chief Justice Doherty, who had expressed his sentiments strongly against the proceeding. The noble and learned Lord on the Woolsack had said truly, that though the patronage ought to be given to the Judges by the present Bill, he would not put their claim to it on that footing, but would assert it to be theirs by virtue of the Common Law, and the noble and learned Lord had also very justly stated that the question was one affecting the dignity of the Judges of Ireland. It was in order that they might not be subjected to a great and serious slight that the Judges had claimed the patronage, and he still hoped the Government would bear in mind the precedent that had been established by the practice in the English Courts, and not show the people of Ireland that they would not hesitate to cast a slur upon their Judges, if by so doing they would secure a share of patronage to the Lord Lieutenant. Their Lordships divided on Question, whether to insist?—Content 13; Not-Content 22: Majority 9.

Courts of Common Law Process (Ireland) Bill.] On the Order of the Day for taking into consideration the Commons' Reason for insisting on their Amendment to this Bill.

Lord *Campbell* said, that he had another ground of discussion and of difference with the Government upon the subject of the present Bill, which however was one entirely divested of all party feeling; the present Bill originated in the defective state of the Common Law, as far as related to persons resident abroad, who were not liable to any process issued out of the Courts in their own country. The Bill proposed to make the service of a writ good wherever it might be effected; and consequently when a debtor residing abroad, was once served with the process of the Court of Law of his own country, he was liable, if he had no defence to the action, to have his real and personal estate seized to make good the claim against him. This principle had been adopted by the Legislature, and the present Bill was the result. In conclusion he should move that the consideration of the Commons' Reason be postponed until that day six months.

On Question, resolved in the affirmative. The Bill is therefore lost.

New Houses of Parliament.] The Marquess of *Clnnricarde* then rose to move, that an humble Address be presented to Her Majesty, praying Her Majesty to give directions for carrying into effect the recommendations contained in the last Report of the Committee on the New Houses of Parliament. It was necessary that this step should be taken in order to expedite the building. The Report stated that, with expedition, the Peers might meet in their new House after Easter in the ensuing Session.

The Duke of *Buccleuch* hoped the words "as far as possible" would be introduced. For his part, he had some doubts as to the possibility of their getting admission into their new House next year.

Lord *Campbell* must remind the House of the necessity of taking energetic steps in this matter. If they did not, they might not be in their new House for these seven years to come. Mr. Barry told them in 1836 that he would have their House prepared for them in three years. In 1840 he renewed the assurance. It was not his wish to say anything disrespectful of Mr. Barry, whose talents and abilities he admired and admitted; but without saying anything disrespectful, and without imputing to him that he was trying to deceive others, he must say that he had grossly deceived himself. At any rate, however, steps must be taken in order to prevent their being longer condemned to the hole in which they at present transacted their business. They had given up their own commodious House to the Commons, and it was all very well for the Commons to treat the matter placidly. It was a different thing, however, for their Lordships, who had to put up with their present miserable dungeon.

The Earl of *Wicklow* also hoped that they would not have to jog through the next Session in their present "omnibus."

Lord *Sudeley* observed, that eight years had now elapsed, and he believed even the drawings for some of the buildings were not complete. He thought that it was indeed time for their Lordships to exert themselves.

Lord *Monteagle* understood that Mr. Barry had assigned as a reason for not completing the House of Lords that he had received no positive orders upon the subject. Now, it was perfectly understood that the Lords' House was to be completed first, and if Mr. Barry would not act without orders there was so much the more reason for throwing, by means of this Address, the responsibility upon the Government, who could give him orders. There was another point upon which, as this subject was under consideration, he might take this opportunity of addressing a few words to their Lordships. He was strongly opposed to all lavish decoration, especially if such decoration would interfere with the erection of the building itself. Now, there were schemes on foot, he understood, for applying to all parts of these new Houses of Parliament all sorts of heraldic ornaments, frescoes, and geldings. Even the Committee-rooms were to be decorated in this way; and he must say, that anything in worse taste or less suited to the simple habits of the English, he could scarcely conceive possible. If they misapplied ornament, they must also misapply time and money, and he protested against going to such expense in works of this sort. Besides, he must further own, that he should be sorry to see English articles driven to supply works of art which at present they were unaccustomed to produce. The experience they derived from the exhibition of frescoes was not particularly favourable, and it would take some time, he feared, before British artists were qualified to produce in this line anything that was of a very superior order. With regard to the deviations from the original plan—there, no doubt, had been very important deviations, and he was glad to find that in no future instance was any deviation from the plan to be made, except under the authority and with the sanction of the Government. He was glad to hear, too, on the authority of the architect, that the deviations already made would not in any way invalidate the contract with the builders. He hoped that might prove to be the case.

Lord *Wharncliffe* owned that he also should be sorry to see money wasted for the purpose of ornamenting mere Committee-rooms. He hoped they would not be obliged to wait until British artists were taught to paint frescoes. If they were, he feared they would have to wait some time.

Lord *Sudeley* thought some of the deviations from the original design were disgraceful. He particularly alluded to the deviation from the original plan respecting the entrance.

Motion agreed to.

The Post Office.] The Marquess of *Clanricarde* said, in pursuance of the notice which he had given last night, he wished to put a question to the noble Lord opposite respecting the Report which had been laid upon the Table with reference to the Post Office. It appeared from that Report, that the law had not been complied with, and that the practice had not been known to the public, and that no great utility of benefit had accrued to the Government from that practice. As the House was about to adjourn it would be well, before the adjournment, if the Government had come to any determination on the subject, that the noble Lord should inform the House what that determination was. He begged therefore to ask the noble Lord whether the Government had come to any determination as to the propriety of making a change in the law, or at least a change in the practice, with respect to opening letters at the Post Office?

Lord *Wharncliffe* said, the Report had but just been laid upon the Table, and the Government had not had time to take the matter into consideration.

Their Lordships then adjourned to Monday, the 2nd of September.

HOUSE OF COMMONS,

Friday, August 9, 1844.

Minutes.] Petitions Presented. By Mr. M. J. O'Connell, from Ireland (4 Petitions), for Repeal of the Unions—By Mr. Greene, from Chichester, and Arundel, againt Repeal of the Corn Laws.

Sir *R. Peel* having moved that the House at its rising do adjourn to Thursday the 5th of September,

Mr. O'Connell—State of the Nation.] Mr. *Sheil* rose and spoke to the following effect;—Instead of the customary prorogation by the Queen, the adjournment of the House is proposed by the first Minister of the Crown, in order that the opinions of the Judges in the case of Mr. O'Connell may be delivered before the next Session, and to prevent the hazard of a great injustice being done. It is felt by everybody that it would be monstrous that Mr. O'Connell should be kept in gaol for six months, and that he should afterwards be discharged upon the ground that he ought not to have been originally imprisoned. The case is conceived to be one of so much importance and so much difficulty, that a deviation from Parliamentary usage is proposed by the Prime Minister, and on the 5th of September Parliament is to assemble again. If the decision shall be in favour of Mr. O'Connell, if the Judges shall think that the Jury was improperly composed, and that the challenge to the array should have been allowed, Mr, O'Connell will be discharged. For this proceeding the Government do not claim any credit, for by an opposite course the general censure of the country would be incurred. But surely the Government have, by the step which they are now adopting made the most important practical admission. They have, by an irresistible implication, acknowledged that the detention of Mr. O'Connell pending the question whether he ought to have been imprisoned at all, ought to be deeply lamented by themselves. Mr. O'Connell was imprisoned on the 30th of May. If he is discharged on the 30th of August, because the sentence was illegal,—that will be the feeling of both countries,—how great will be the astonishment of the one, how vehement the indignation of the other? It ought, then, to be matter of the most solemn deliberation with the Government, whether instead of waiting to ascertain whether the lawyers shall have succeeded in picking the lock of the Richmond Penitentiary, it would not be far wiser to throw open the doors of the prison-house at once, and to give back his freedom to the man whom under circumstances so peculiar you have deprived of his liberty. These are facts admitted upon all sides, facts beyond dispute, almost any one of which ought to have induced the Government to terminate the period of Mr. O'Connell's imprisonment. The suppression of the lists in the Recorders Court—the refusal of the Crown to join issue on the averment of fraud—the solemn opinion of one of the Judges at a trial at bar that the panel was illegally and wrongfully concocted—the exclusion of every Catholic from the Jury, by which the leader of a great Catholic people was tried and convicted,—these are circumstances which ought to induce the Government to give up a verdict thus illegitimately obtained, and to which it is the consummation of impolicy that you should so pertinaciously adhere. You have yourselves, unconscious of what you were doing, furnished in a very recent proceeding, one of the strongest arguments against your verdict which it would be possible to suggest. You have admitted, that it would be most unjust that a Commission for the administration of charitable bequests should be exclusively Protestants, and you have provided that out of the ten individuals to be selected as a Committee, five at least shall be Catholics. What an inference is afforded by this special provision in your recent Bill, which you represent as an act of common justice to the people of Ireland? If the charitable bequests of Ireland are not any longer to be administered by a Protestant board, is it not an outrage to common sense and common justice, that the great leader of a Catholic people should have been tried by a Jury from which every one of his co-religionists was excluded by the Crown, and was, in fact, composed of men who had rendered themselves conspicuous by the vehemence of their political and religious feelings? No other fact to condemn your verdict in the opinion of all unimpassioned men, no other fact is wanting to justify my noble Friend the Member for London in his deliberate declaration that Mr. O'Connell had not been fairly tried. The House of Commons, has not ratified that declaration, but the present Prime Minister ought to look to something besides the House of Commons, and that for his own sake, for the sake of his fame hereafter, he ought at once to assent to the liberation of a man tried under his own Jury Act, under an Act introduced by himself, and which has been converted into an instrumentality so utterly abhorent from the purposes for which it was devised. The right hon. Gentleman is one of those by whom fame is estimated at its proper value, and who can appreciate renown. You pass every day by the statue of George Canning—every day you look at Westminster Abbey—to the judgment of posterity you cannot be insensible. Of what will be hereafter said, in reference to the great events which are passing, that you can be reckless, no man shall persuade me to believe. Doesit not then occur to you that of your conduct in reference to your great Irish antagonist history will not approve? The time will come when your merits will not be determined by the numbers which issue from the old lobby or from the new, but by another and more impartial reckoning, and when that time shall have arrived, and when it shall be told that Daniel O'Connell at almost the outset of your political career rushed against you into the lists of political encounter—that after nearly twenty years of a fearful struggle he extorted the freedom of his country from your reluctant consciousness that it could no longer be withheld; that, finding you unwilling to complete your achievement and to carry out the lofty principle on which it was founded, he continued in antagonism to your party, and demanded that the institutions of Ireland should be remodelled and adapted to the great change which had been accomplished; that, after a long exclusion from office, you came back to power, and that instead of availing yourself of the opportunity which was afforded you of winning the hearts of millions of Irishmen, you preferred the support of a faction to the sustainment of a people; that you selected the men to whom Ireland was most antipathetic as the objects of your favour; and that when goaded by many wrongs and exasperated by affronts, your old political foe demanded the restoration of her Legislature to Ireland, you empannelled a Jury of twelve Protestants for his conviction; that despite the protest of one of the first Judges of the land, you threw him into prison, and when an inquiry was demanded into the machinery by which your Jury was manufactured, you shrank from investigation, and left your adversary in the prison house to which, at the age of seventy, he had been consigned; do you not think—does not your own heart inform you, that history, in whose tribunal Juries are not packed — history, the recorder whose lists are not lost, stern, inflexible, impartial history, upon this series of calamitous proceedings will pronounce her condemnation? It is in your power, it is yet within your power, to give to history something nobler to tell—to commit to it the better office of telling, that having the magnanimity to confess yourself to have been mistaken, rescuing yourself from the trammels of vindictiveness, animated by the feelings by which the Minister of the greatest Sovereign and the noblest empire in the world should be inspired, you disdained the luxuries of vengeance, you did not wait for the tardy adjudication of the men by whom it is acknowledged that difficulties are entertained, but winning by a generous action, a victory over your adversary, and over yourself, you gave back his freedom to the man to whom millions are indebted for the liberty,—you acquired a title to their confidence by the only possible reparation you can make for the great injustice you have done to the Irish people. If this measure were adopted by the right hon. Gentleman, if the wound could be healed by the hand which inflicted it, Ireland would be made susceptible of the ameliorations which we are assured by the Government that they have in view. But Daniel O'Connell is detained in the prison to which he ought never to have been committed. What advantage have you obtained—what benefit can you expect ever to secure—from the imprisonment of Daniel O'Connell? His spirit is as much abroad as if he stood on the theatre of Mullaghmast, and tens of thousands were gathered at his call. His mind still agitates the great mass, and with the mighty millions is still blended and commingled. After the verdict (it is a remarkable fact) the repeal rent suddenly fell, and after the execution of the sentence, it rose fourfold. You have imprisoned three proprietors of newspapers, and yet the press, undeterred by your verdict, is more exciting and more intrepid than ever. The *Nation* newspaper, distinguished by the rare eloquence with which it is written, circulates more than 11,000 copies a week—that most remarkable publication circulates in every hamlet of the country, and ministers the strongest stimulants to the high spirit of nationality which it has made it its chief object to awaken. The Catholic clergy are, almost to a man against you. In Dublin a great and well-organized association, which no law can reach, holds its weekly meetings; and, although not elected by the people, must be admitted to be a faithful representative of the national feelings. What, then, have you gained by the imprisonment of Daniel O'Connell, what other has been the result of that rash measure, excepting the creation of a deep feeling of hostility to the English Government, which, if it is any time most injudicious—it is under the existing circumstances of the country, most perilous to provoke! There are those who tell you that Ireland is tranquil; but I, who know Ireland well—who have had a long and painful experience in Irish agitation, who have, however, near at heart the peace and security of the country, and who have taken no part, direct or indirect, in the recent excitement of that country — I anxious only that my admonition should have the effect of inducing you to adopt a wiser course, tell you, that however ostensibly tranquil, Ireland is not safe. Ther can be no doubt that your competitors for the masterdom of Europe, who have begun to think that they could dispute your supremacy upon the ocean, have assumed a tone which they never would have adopted if they did not calculate upon the internal debility of England, and upon the weakness resulting from the alienation of Ireland. You have adopted a tone at last which becomes this great country, and have declared that a reparation for the outrage offered to a British subject would be required; but, having adopted this tone, it becomes you to secure yourselves against every hazard, and to marshal the people of Ireland in your cause. The higher the position you have taken, the stronger the bulwarks with which you should encompass it, and you may rest assured that you will find a muniment in the affections of the Irish people far better than the martello towers in the Bay of Bantry can supply.

Mr. *Wyse* must, on this last day of the Session, before it has yet closed, and whilst the voice of the Representatives of Ireland could still be heard, again protest, as he had done repeatedly during its continuance, against the sentence and proceedings by which Mr. O'Connell and his fellow sufferers were held in prison. He must again raise his voice, in conjunction with his right hon. Friend, against what he had called, and must continue to call, an unfair and most unjust condemnation. Mr. O'Connell was silent, and properly so: he called for no remission, no mitigation of his sentence. Neither he, nor any of his companions in suffering, had for one moment betrayed any unworthy anxiety for pardon. They disdained to plead for a discharge from mere punishment, and he must say that every one who had such an opinion, who had such an opinion as he entertained of the character of the trial, must honour them for such conduct. The people, too, had hardly spoken. Their feelings were of a much stronger character. Not for mercy did they ask, but for justice—not for favour, but for the right of every British-born subject, to fair and impartial judgment. For this the traversers had asked in the Courts below; it was refused them, he cared not upon what technical quibble. They again asked for it from the same tribunal; no new trial was granted. They appealed to the House of Lords; but all the great facts were shut out from consideration. To whom had they to turn, and with them any Irishmen (for in wrong done to their rights, wrong was done to the rights of all), but to that House, the guardian of the franchises of every citizen, however low, the protector of the accused, and the inquirer into every abuse and grievance in the nation? To that House they turned. They asked for inquiry, and for nothing, be it remembered, but inquiry. A great fact was incontestible, a great Catholic, the first of that powerful community, was tried and convicted, by a Jury from which Catholics, some say, were studiously excluded, but on which certainly there did not sit a single Catholic. Some called that accident—others design. The Judge on the bench admitted that its formation was subject to the very greatest suspicions. This admission, so far from being denied or modified, was re-asserted by the same Judge later. After every opportunity for deeper examination—cooler consideration it was re-asserted: the opinion was adopted by the most learned legal authorities—it had been heard in that House from the highest and most experienced Statesmen, and, out of doors, again and again, it has been the cry of many a public meeting. If ever there was a ground for inquiry that was it; and how, he would ask, was the prayer for that inquiry, notwithstanding, received within the walls of that House? It was passed by, he might almost say, with contumely, and by the verdict of that very Jury into whose constitution all examination was then refused. Mr. O'Connell was now, at the very moment he was speaking, and would have to continue, for aught he knew, in prison. He should be unworthy of a place in that House—of his bounden duty as a representative of an Irish constituency—he should be false to the first obligations of a free citizen—if he had not protested, and did not continue to protest, in every possible way, against such a wrong. It was no use to say that the public were deceived, that the people had no good grounds for such feelings. This would not alter facts; human nature was still human nature, whether in Ireland or in England. It was not by speeches in that House, but by substantial acts of justice and kindness out of it, that such injustice could be removed. Let not the Government and Legislature flatter themselves that they could raise and put down these emotions at will. He much feared the feeling of dislike and mistrust was getting daily further and further into the national breast. He much feared that it was daily changing its character, and taking a much worse form than it ever had, It was no longer a quarrel between parties for place, nor religions for ascendancy, but a struggle of nation against nation for independent power. Other men, too, of whom that House had little cognizance as yet, but who every day were appearing on the scene—men of talent, of energy, of knowledge and determination were every day taking the place of more moderate men. Another generation, better informed, but not better clothed or fed, perhaps, than their fathers, were growing up to be the people whom this party would yet have to wield. And in the midst of all these elements of domestic uneasiness, disease, and danger, was the political horizon quite clear of other symptoms of coming storm? Was peace to be ever-during, and was war never more to re-appear? And when every effort should be made to convert our enemies into friends abroad, why should we continue to do all we could to make men who ought to be our best friends our worst enemies at home? He had a right to speak in these words of warning—not of menace—to that House. He was not a man of dissension, but of peace; of peace by every just and righteous mean; but not by any sacrifice of what he believed to be his and his country's just rights. Had Mr. O'Connell's alleged delinquencies been tenfold greater than what was assumed, still that would alter nothing of the case. His charge was against the trial, against the Jury, against the men and mode by which the Jury was struck. He had given the case every attention in his power, and the more he considered it the more they had become his convictions. By such a trial, no law could have been vindicated, no seditious feeling could have been repressed, no confidence imprinted — nothing, in fine, but a deep and sullen indignation generated, which must meet and thwart, when they least expected it, even the best intentions and efforts of a Government. He must again and again assure the right hon. Baronet, that if he really looked for the pacification of Ireland, he must first look to the Irish heart; if he hoped that the people would trust to his professions, he must begin to put them into deeds forthwith. From the prison door he must begin his march of conciliation: he must justify by redress his claims to popular reliance. Let him throw aside force, and conquer by generosity; give up these wretched attempts at frightening a people from the exposition of their grievances, and substitute, instead, a calm but resolute spirit to search them out, even when unproclaimed, and no sooner found than a determination to relieve them by any means in his power. This is the time to do it: the country still waits for him, but will not much longer wait. He was deeply convinced that, upon his conduct in the interval which must elapse before they again met in that House, much of the future destinies of Ireland would depend. He had thus spoken without reserve—without reference to party or person—but to discharge what he conceived to be a most imperative trust—a bounden duty which he owed to God and his country—at what he solemnly believed to be one of the most critical periods in history of his fate.

Lord *J. Russell:* Sir, in the time of the late Administration it was the custom that the House should not disperse at the end of the Session until a pamphlet had been delivered by Lord Lyndhurst in the shape of a speech, referring to the various Bills had been introduced into Parliament, pointing out when they had been completed, how often they had been postponed, and how many of them had not arrived at their fitting consummation. I never considered that course very just or very fair. I did not consider it so, in the first place, because the Houses of Parliament themselves, how well disposed soever they may be to consider measures, yet, in the course of discussion, interpose so many obstacles to rapid progress, that an Administration, I think, can never be justly chargeable with all the legislative failures that may have occurred during the Session. I thought it, in the next place, an unfair course, because it was notorious that the Upper House of Parliament was chiefly composed of members belonging to one political party. It was notorious that that party, having been in power during a long period of years, had placed in that House of Parliament about 200 of its members—that of upwards of 400 Members of which it consisted, not less than 200 had been placed there by the advice of the Ministers of the Tory party to the Crown, during that period. It was natural that those who entertained these politics, who had entered into Parliament with strong prejudices of that kind, should be adverse to a Ministry which was of a different political party. It was not difficult, therefore, for those who had authority with that party, to obtain the rejection of Bills, however useful, which were promoted by a Ministry with whom they did not agree. But, Sir, no doubt that mode of proceeding made its impression. It was considered by many persons that the Ministry must have failed in its duty when so many Bills had not obtained the sanction of the Legislature. That course I have never followed; it is not a course which I am now about to follow. If I were about to do so, I think I should have far more reason to object to the Ministry now in power. In the first place it is notorious, and has been proclaimed by themselves, that the present Ministry has a majority, having confidence in their Administration in both Houses of Parliament; it is, in the next place, evident that the present Ministry has had no great difficulties placed in the way of their legislation. But I do not see any public advantage which could be derived from going back and tracing the history of the different Bills, and pointing out that many of them had failed. I took occasion, at the close of a former Session, to call the attention of the House, when they were about to separate, to the existing state of the country, and I do not think it will be without its use if we should now for a short time turn our eyes in the same direction, and ascertain how we may be enabled to consult the public welfare when we are next told by Her Majesty to meet for the dispatch of business. In speaking last year of the affairs of the country, I entered at considerable length into the state of Ireland. My right hon. Friend, who has spoken upon this occasion, has alluded to a part of that great subject. The right hon. Gentleman opposite, when, in 1839, he was speaking of the formation of a Government under his auspices, stated, or rather confessed, that his chief difficulty was Ireland. Sir, I own I am surprised that, with the exception of one circumstance to which he then alluded—a circumstance I consider so trifling that I shall not advert to it at present—the Administration now in office, after that announcement by their Head, have never seriously taken into consideration the state of Ireland, with a view to its improvement. When, last year, we were considering this subject, it is true that there were great meetings, which are now no longer held. It is true that there was often language of menace used by some of the principal speakers, and that we do not hear that language at present. But we should be very much mistaken indeed, if we supposed that the affections of Ireland had been won by the proceedings which have since taken place. In my view of the circumstances as they stood last year, the Government would have been justified in issuing a Proclamation at the commencement of those meetings, forbidding any other assemblage of the same kind, and following up that announcement by a declaration of their intention to take all the grievances and complaints of Ireland into consideration, with a view to their redress. I think that Mr. O'Connell would have obeyed such a Proclamation; that I think we cannot doubt, as we have seen that on the very first occasion on which the advisers of the Lord Lieutenant thought they could declare such a meeting to be illegal, it was followed, not only by instant obedience, not merely by a sudden acquiescence, but by the most active measures for the prevention of the meeting which had been announced. I think, therefore, it is impossible to deny that if at the commencement of those meetings a similar course had been taken, similar obedience would have been paid. I confess that the stoppage of these meetings, by itself would have been almost a useless measure; it would have been dealing only with the symptoms of the disease; but if you had followed up a measure, asserting and vindicating the law, by measures of improvement and conciliation, I think you would then have laid a foundation for the future prosperity of Ireland. But the course taken was very different. Mr. O'Connell and other popular leaders were allowed to go on for seven or eight months without interruption. Their language was unchecked, their meetings uninterrupted, and the only declarations we had, one from the right hon. Gentleman the Secretary for the Home Department, and another from the Lord Chancellor of Ireland, led to the inference, coinciding with the opinion I myself had formed, not as a lawyer, but as a constitutional politician, that those meetings were legal. No wonder that they continued—that they continued to such an extent as to menace the peace of the country. At length they were interrupted—after seven or eight months of impunity they were interrupted—and the chief leaders of them were brought to trial, not for the last of their proceedings—not for any one particular meeting which had just taken place—not for any seditious language lately uttered, but for their proceeding during the whole course of eight or nine months of popular agitation which was qualified by the legal advisers of the Crown as conspiracy. Such a proceeding was entirely contrary to the rule laid down by Mr. Erskine, in his celebrated defence of Mr. Hardy. On that occasion Mr. Erskine declared, that if there were a particular act of a man's life, or a particular course of proceedings, which was criminal, he should be brought to trial; but he maintained, that to look for two years—in that case it was two years—through a man's whole conduct, language, and conversation, and to endeavour to drag out from all those circumstances put together an imputation of guilt, was not legal. It was not justice, but tyranny. But having determined to bring this case to trial, it was so contrived, that there being eleven Roman Catholics among the persons who might have been upon the Jury, those eleven Roman Catholics were struck off by the Crown, and there remained a Jury of twelve Protestants, several of whom were known to be violent partisans in a line of politics opposite to that which Mr. O'Connell had embraced. How, I ask, could the internal peace of Ireland be secured by these means? In the first place, was it just to leave these persons to pursue their course for eight months without any notice that they were bringing themselves within the meshes of the law? In the next place, having determined to bring them to trial, was that trial likely to produce the effect which an impartial trial always produced, even upon those who were the sufferers from it—when it was known that the prosecutors had cautiously excluded from the Jury every man who was of the same religion as Mr. O'Connell, that religion being the religion of the great majority of the people of Ireland? I would not have said anything on this subject, if I had thought the evil beyond the hope of remedy—if I had thought that Government had taken a step which it was impossible for them to retrieve? But I am sure that the Government have been for a long time ignorant of the real state of Ireland, or, if not ignorant of the real state, at least regardless of the feelings of the people of that country. I have of late observed symptoms on the part of the Government of a disposition to pay more regard to the feelings of so large a portion of our fellow-subjects; and I hope that before the next Session, the Government will fully consider the question—that they will look to the hopes which have been held out, and to the promises which were made at the time of the Union that Ireland should be placed upon an equality with England; that she should be governed upon the same principles, and should enjoy the same rights and privileges. Let Government determine, in the light of those declarations, to go through those laws which now exist, to go through those maxims of administration which they themselves have followed, and produce a plan which will not countenance Repeal of the Union; but which will, on the contrary, give a death-blow to that agitation by granting to the people of Ireland fully, fairly, and entirely, the privileges which they themselves have solemnly promised to give them. Sir, I should say, that if such was to be their determination, whatever may be the opinions of the House of Lords or of the Judges, upon the judicial questions which have been placed before them, there could be no better symptom of your policy, no better earnest of your intention to carry those large views into effect, than using the prerogative of the Crown for the purpose of the discharge of Mr. O'Connell and the other prisoners from the remainder of their incarceration; even if, in your legal technicalities, it shall be decided that you have been in the right, I should say that in a question of State policy there could be no better step taken. I think you may well reflect, whatever view you may have with respect to the course of Mr. O'Connell last year, or at former periods—you may well consider that this is a man who, by great exertions, has obtained for his fellow subjects the rights of the British Constitution, and is, therefore, looked to by them with a gratitude which as long as he lives, will never cease. You may consider that he is a man now sixty-nine years of age, approaching to the close of his political career, and that by declaring, though you wish to vindicate the law, when it has been decided in your favour, that you do not ask for anything in the nature of a vindictive punishment. By so doing, you will not show weakness—you will not, as I consider, desert even the policy which you yourselves have pursued, but you will be inducing among the people of Ireland a disposition to receive favourably the measures of legislation which you may be prepared to bring forward; because you have seen too often, both with those who are most favourable to the views of a majority of the Irish people, and naturally much more with those who adopt the views confined to a small minority of that people—a disposition to carp and to cavil at those measures which are really and sincerely intended for their benefit—from a distrust (and I think no extraordinary distrust) in the intentions of those who, in other respects, they think have been parties to the oppression of that country. If you wish, then, to have your measures received favourably, if you wish them to be measures which shall be not merely laws upon the Statute Book, but what is of far more importance, laws to secure the affections of the Irish people, I think that the opportunity for attaining these objects is not yet gone by. I think that you have such an occasion to do it—that it will not be lost to the Government, although by doing so they may lose the support of some persons whom they can hardly call at this moment their supporters—some who professed to support them when they came into power, in the hope that old abuses and old oppressions would be restored. Though I can well understand that their support might be needed, I will not think so meanly of the right hon. Gentleman—I will not declare so low an opinion of him—as to suppose, that for the sake of their support, he would do anything that he thought unjust, or omit to do anything that he thought just towards so great a portion of the inhabitants of our Empire. In speaking of this subject, I cannot refrain from alluding, however delicate the topic may be, to the state of our Foreign Relations. I hope that nothing I shall say upon the state of those Relations will tend in any way to deprive the Government of any of the means of negotiation which they have in their hands. I trust that they will exert firmness and moderation. I am not about to impute to them that they are wanting in either of those qualities; but this I say, that the period is one which requires the utmost exercise of those qualities. We have heard from the right hon. Gentleman, with respect to the present prosecution of hostilities in Morocco, that he is disposed to maintain the policy of the late Government, who submitted to the conquests of France in Algiers, warning her that she should not proceed either in the direction of Tunis or Morocco. The right hon. Gentleman has stated that he is fully aware of how much British interests are involved both in the welfare of an ally who has been at all times faithful to us, and in the independence of a country which is so near our own possessions. The right hon. Gentleman, with respect to another subject, which is likewise of great importance, though it affects but a small place, but certainly of great importance, because it touches national honour—the right hon. Gentleman has declared upon that subject that a gross outrage had been offered to a British subject, and that he expects the French Government to give that reparation which he thinks this country is entitled to require. Sir, I was fully satisfied with that declaration of the right hon. Gentleman, and, if I remind him, I wish to do it no terms of offence—but if I remind him that when Parliament next meets, I shall consider that upon both these subjects he has given a pledge to Parliament, and that we may expect to see this pledge fulfilled,—I think I am doing no more than my duty as a Member of Parliament. But, Sir, if this is the case, I think it must be allowed that at no period since the Peace, with the exception of the Autumn of the year 1830, after the Revolution of France, after the Revolution of Belgium, and the disturbances of Italy, and of the Autumn of 1840, after the Alliance of July of that year, and the operations in Syria—with the exception of those two periods I think there has been no time since the Peace of 1815 at which our Foreign Relations were calculated to inspire so much anxiety as at the present momont. Now Sir, I have already said I do not mention this subject for the purpose of throwing blame upon the Government or for the purpose of requiring from them any declarations beyond those which they have already made. I want not a word more of information, I want not a word more of apology upon the part of the official advisers of the Crown, I think I can say if those circumstances are calculated to inspire anxiety—if there has scarcely been a period at which the peace of the world was more in jeopardy, with the exception of the two occasions I have mentioned—so likewise it is a period when we ought to look to see that with respect to the circumstances of the State, with respect to the means which we ought to have at our disposal, this country should not be wanting, and that neither the Government nor the Parliament have failed in their duty in this respect; and I am not now speaking of the state of the Navy, though I retain the opinion which I expressed on a former day with respect to that subject, I am not speaking either of the state of the Navy, or of the state of our Military Forces. But even if you have the strongest Navy, if you have the best equipped and the bravest Army, there is another element of strength which, if you wish to be great, you should not overlook—and that element is internal union. We ought to have the people of the three kingdoms bound in affection towards the Crown, and towards the Constitution; that should be your constant and never-ceasing endeavour; and if we have omitted any means hitherto which should attain that desirable object, I think that no time should be lost in now reviving all the means by which you may strengthen that Union—by which you may augment that affection—and by which you may make this country—while she is an object of respect to all men whose opinion is worth having in every part of Europe—to be likewise an object of fear to all those ill-disposed parties who seek in war a vent for their ambition and their bad passions. There is another topic upon which I wish to say a few words, because I think it must force itself upon our attention in some shape or other before a very long period elapses—I mean the condition of the people of England. You cannot help, from day to day, and from time to time, observing the state of the people of this country—the inadequate means which the labouring people have to supply their families with the comforts of life, with the extreme labour which in the manufacturing districts is undergone, and with the discontent which, both in our agricultural counties and in our manufacturing districts, is at short intervals excited; and I think, if we take a general view of this subject, it is impossible not to see whether it be the fault of our Legislature or not, that the labouring classes have not advanced in comfort and welfare in proportion to the other orders of the community. If we compare the condition of this country with what it was a century ago, with what it was in 1740, for instance, it is impossible not to see that while the higher classes have advanced in luxury beyond measure—while the means available for the diffusion of comfort and the enjoyment of life have prodigiously increased—that while if we look again at the middle classes and their means of procuring comfort, of travelling from one place to another, the quickness with which intelligence is conveyed, and the increase in the consumption of foreign articles of luxury, that these classes have made a very great advance. If we look to the labouring classes—if we look to the men who either till the soil or labour in the factories—if we look to the quantity of necessaries which their wages would buy in the middle of the last century, and that which they can buy now—if we go into the details with which I shall not now trouble the House, but which have been exhibited in the reports of the Commissioners sent forth, some by the late Government, and some by the present—I think we must be convinced that they have not participated in an equal degree in the advantages which civilization and improved knowledge have conferred upon us. Neither, Sir, can I say that they have advanced in the means of education, or in the general communication of religious knowledge throughout all parts of this country. It is a subject so vast and so extensive, that it will require to be divided into many parts, and which will necessitate a comparison of all the various counties, in order to give anything like an adequate view of this great subject. But unless the Government next year shall be prepared with some measure of a comprehensive nature, by which I will not say that the condition of the people can at once be altered for the better, but by which many restrictions which are now imposed upon their well-being shall be removed; I shall think it my duty to ask the House either to consent to some measure which I shall propose, or to go into Committee of the whole House on the state of the country. Sir, I may say generally that I conceive there is no likelihood of improvement in that which I see is put forth by many as if it would be an improvement of the condition of the labouring classes, in either an alteration or a repeal of the existing Poor Laws. My own opinion is, that if you were to break down all the workhouses and give nothing but out-door relief, and give it in as much abundance as those who desire it would wish, that you would but be increasing the difficulty, you would but be increasing the number of poor, and augmenting the miseries of the labouring classes; and that, in fine, it is not to giving alms—it is not to State charity that we ought to look for the support of the people of England, but it is to enabling them to obtain by honest labour, that which some of themselves declare to be their object, and there can be more just object, a fair day's wages for a fair day's work. In considering the question, I think it will be necessary to revise the whole of the subject which the right hon. Gentleman brought before the House, I think in an imperfect manner, two years ago. I mean the subject of the Import Duties. I think the right hon. Gentleman has this year proposed a plan with respect to the Currency, which tends to bring us back to the principles which obtained before the commencement of the war of 1793. I think it is worth our while to see what were the duties upon the importation of articles of food and other general commodities of consumption at that period. I think, together with an improved and stable Currency, those great articles of consumption should be admitted with as small a duty as can well be laid upon them; and, in regard to what is due to the mitigation of burthens imposed upon the consumers of this country, I think we should likewise consider what is due to the agricultural interest of this country. I think you should consider, with respect to many subjects, whether that unequal taxation, which now presses upon us, cannot be remedied. I remember at the commencement of the Session that some expressions I used on this subject were misunderstood by some Members of the House, when I declared that I thought it would not be wise at once to abolish all laws restricting the importation of corn, without taking into consideration the increase of duties and taxes to which the producers of corn had been subjected since the commencement of the present century. I will mention but two of them. One, the very great increase in the county rates since the beginning of the war of 1793—another, the very large augmentation of the Malt Tax. It appears to me that now, when the Government have the leisure of the recess before them, they might very well consider whether some relief might not be given to the agricultural interest, and whether in giving that relief they might not frame measures more in accordance with those principles of trade which the present Government, as well as the late, uphold. There is another question on which there has been a discussion in this House in the course of last Session which has not been brought forward by my hon. and learned Friend, the Member for Liskeard, in the present Session—I mean the subject of emigration. I think that very great difficulties embarrass that subject, but at the same time I consider that with respect to certain localities—to certain districts emigration, promoted by the Government, and carried out in some instances by the companies already formed, and which have now lands in the Colonies—carried on in other instances in conjunction with the great proprietors of the country, will be one of the measures which will be of essential service to the labouring classes. Sir, I trust it is a subject which will not escape the attention of the Government. I do not think the present system is all that can be desired. I believe that much may still be done. I have thus mentioned some of the topics which, I think, in the present state of the country, will diminish the public distress. I have already stated, that I will not refer to the various measures brought forward during the present Session, and of which a great proportion have failed. But there is evidently one evil which, during the present Administration, as well as under the last, is prominent, and I think ought not to be omitted from our consideration, I mean the length of time which is consumed at the commencement of each Session without forwarding measures of legislation, and the very great rapidity with which those measures are passed towards its termination. If we are to attend to measures of legislation, surely some means can be devised by which those measures shall be brought under the attention of this House of Parliament as well as of the other during the earlier period of the Session. That there has been some alteration made I readily confess. Formerly it was the usage that this House got through a great number of Bills which were sent up to the House of Lords at the end of the Session, by which means the House of Lords were deprived of the opportunity of due deliberation. Now the evil is extended to both Houses; the House of Lords have many Bills sent to them, such as the Poor Law, to which they can hardly give attention, owing to the very thin attendance, but then, on the other hand, we have this evil, that many Bills come down to the House of Commons when there are scarcely forty Members present. Certainly, we are prevented by circumstances from attending in this House during the latter period of the Session, but I do not think it can be expected, that after four or five months of discussion and attendance in Parliament, the Members should remain here in order to go minutely through measures of legislation. I will say more. I do not think a very prolonged Session is at all advantageous to the country. I think there are many Members of Parliament whom I do not blame in the least for their non-attendance in this House—for I am sure their presence in the country, and the due conduct which they then observe in their attention to all questions which come before them as proprietors and as men having stakes in the country, is much more important than their attendance in this House. I think we should endeavour if possible to have measures brought before us in such a time that we should be enabled to have a general attendance to their purport. I have now concluded the observations I had to offer, I hope not in the spirit of party, or from any hostility to the right hon. Gentlemen opposite. My views differ with theirs in respect to subjects of general policy; but there may be measures on which we may agree, and by our agreement in which the interests of the country may be promoted. I have thought it right to state some of these questions, and the manner in which I think they ought to be treated.

Sir *R. Peel*: Sir, the speech made by the noble Lord opposite (Lord J. Russell) was, in its general character, so entirely divested of anything partaking of party spirit, and the noble Lord imputed so little blame to the Government, that I am almost relieved from the necessity of making any observations in reply; but some remarks I feel it my duty to address to the House, and I shall endeavour to observe the same spirit by which the noble Lord's speech has been characterised. The noble Lord states that he is content to leave the questions connected with the foreign policy of this country in the hands of Her Majesty's Government. The noble Lord, therefore, does not call upon us for any renewed declarations; he does not seek to elicit from us any expression of opinion which might by possibility prejudice our endeavours to maintain peace, consistently with the honour and the interests of this country. In some of the observations made by the noble Lord I entirely concur. I think there is little public advantage in the extreme length to which the Sessions of Parliament are now carried. Our first business is, of course, to discharge those duties which devolve upon us as Members of Parliament; but still there are very few Members of this House who have not other important duties to perform connected with the general administration of the law throughout this country; and the neglect of those duties would be attended with considerable public inconvenience. Mr. Burke, in his work on the French Revolution, if I recollect rightly, strongly deprecates a proposal made at that time for devoting a considerable portion of the year to the discharge of legislative duties. He argued that great inconvenience would result from enjoining upon Members of legislative bodies constant attendance to their legislative duties, especially during that period of time which ought to be devoted to the discharge of other duties in their various localities—duties which, as Mr. Burke justly observes, qualify them for the business of legislation. We are now in the habit of sitting until the middle of August, and I think it is impossible to assert that the course we at present pursue tends to an economical distribution of our time. We make great progress in legislation towards the end of the Session, but a very small part of the early period of the Session is occupied in serious attention to the details of legislation. I am afraid it would be very difficult to apply any efficacious remedy. The early part of the Session is necessarily occupied in bringing forward grievances, or supposed grievances, which had accumulated during the recess; and so many interesting and exciting questions are then brought before the House, that the dull and dry details of legislation are not likely to obtain any serious attention. I fear it would be very difficult to adopt any efficient measures for remedying this evil of which the noble Lord has complained; but I do think, that by a prevalent feeling among the Members of this House, and by the concurrence of the great political parties of which it consists, we might apply such a remedy as would enable Parliament to separate at an earlier period than that at which its sittings have hitherto been brought to a close; and, what is of still greater importance, we might insure a better execution of our legislative duties—we might be enabled to give more careful attention to measures of great public importance, both with regard to their principle and their details. This I will say, that no parties can have a greater interest than Her Majesty's Government in shortening the duration of the Session of Parliament. It is almost utterly impossible for a Minister of the Crown to perform his duties satisfactorily, and to give his attendance in Parliament during six or seven months of the year for eight or nine hours a-day. The attendance of a Minister of the Crown in Parliament is unavoidable. If he should be absent, even in the discharge of important official duties, his absence is complained of. If he is not present here to answer any question that may be put to him, it is supposed that he is enjoying himself in ease and comfort, while the fact may be that important and official duties require his attention—duties, the neglect of which would entail upon him the greatest responsibility. But this I may say, that no persons can be more ready to join in a general understanding with reference to the mode of transacting business in this House, than those who fill the high offices of the State. I heard with regret the vague intimation given by the noble Lord, with regard to measures for improving the condition of the labouring classes. In the importance of that subject I fully concur. Indeed, I cannot conceive anything more important than that those to whose labour we are so much indebted—those who, in point of fact, constitute the stamina of this country, should be placed in a position of comfort and of happiness. I would listen with the most careful attention to any measures that may be proposed for ameliorating their condition; but I regret that the speech of the noble Lord has a tendency to encourage expectations which it will not be easy practically to fulfil. The noble Lord holds out the expectation that, by resolving ourselves into a Committee of the whole House, to consider the condition of these classes, we might be enabled so to legislate, as to insure to all industrious persons in this country at all times a fair day's wages for a fair day's work. The speech of the noble Lord has a tendency to excite such hopes; but I much doubt whether, during the next Session of Parliament, the noble Lord will be enabled practically to fulfil them. I fear that the noble Lord will find, that as population increases, in all countries there is a tendency towards the evil which he has pointed out, and which it would be very difficult for any legislation to avert. The noble Lord also encourages the agricultural interest to expect some reduction in the Malt Tax, and in the amount of county rates. It appears then, that the noble Lord admits that there are burdens upon land. I have myself frequently stated, that it was a matter much to be regretted that in consequence of the burdens upon agriculture, the protection could not be removed from articles which were the produce of agriculture, and the consumption of which was consequently diminished; and I therefore rejoice to hear this admission from the noble Lord. I am glad also that he considers that the county rates are a burden peculiarly on the agricultural interest, and that the noble Lord adheres to the principle on which the Corn Laws are founded —that there should be some protection to agriculture. [Lord *J. Russell:* I always stated that.] I am very glad to hear it; and very glad that the noble Lord has come down at the close of the Session to give an assurance to the agricultural interest, that he does not wish to deprive them of fair protection. I should be sorry to discourage any hopes which that class may be led to entertain from the speech of the noble Lord; but I cannot consent to purchase their good will by any promise with respect to the Malt Tax. I offered my most strenuous opposition formerly to the reduction of that tax; and I was supported by the majority of this House; and I must reserve to myself an entire and unfettered discretion of considering whether, if there is to be a remission of taxation, the Malt Tax shall be one of the taxes to be reduced. The noble Lord said, that he did not intend to take a review of the Session, or of the result of the endeavours of Her Majesty's Government to pass legislative measures. I am rather glad that the noble Lord did not take that course. The noble Lord thinks that upon general principles such a proceeding would be objectionable. But if the noble Lord had been inclined to review the progress of the Session, I could have enabled him to state—and if the noble Lord could have given me an opportunity of doing so, I would have enabled him to state, that there never was a Session in which more important and beneficial legislation has been effected than during the present Session of Parliament. It is true that two of the Bills brought forward by the Government had not passed into law. One of those measures was the Ecclesiastical Courts Bill; but we received private intimations from some of the opponents of that Bill, that though the measure was a tolerably good one—though it effected an improvement upon the present system—it would prevent some more extensive reform, and that they were, therefore, determined it should not pass into a law. That being the case, we had to determine whether we would make an attempt, which clearly would have been fruitless, to pass that Bill; and the opposition to that measure certainly prevailed. But with respect to general measures of legislation, I reaffirm that there never was a Session in which any Government has been more successful than Her Majesty's present Government in passing measures of deep and vital importance to the well-being of this country. I must at the same time admit, and I do it with perfect readiness, that with regard to many of those measures the Government have received most cordial support, uninfluenced by any party feeling from hon. Gentlemen opposite. Now, I will do what the noble Lord (Lord J. Russell) would not do—I will take a review of the business of the Session, not in a hostile, but in a friendly spirit. I will very shortly review the progress which, greatly as it appears to me to the credit of the House of Commons, has been made in legislation. [Mr. *Hawes:* And the dates of the Bills?] And the dates of the Bills, says the hon. Gentleman the Member for Lambeth. No; I am not, at this short notice, quite prepared to go through the dates of the Bills; and I rather think, if I were, that it would be a dry and uninteresting discussion. The hon. Gentleman has lately moved for the Returns of these dates; and it will, no doubt, be an agreeable and useful occupation to him to go through them. I know no Gentleman who performs his duties in this House more sedulously; and I am rejoiced to find that he has laid the foundation, through the means of those Returns, of combining so successfully instruction, and amusement in his studies, during the recess. But to return to what I was about to say: in the first place a Poor Law Bill was introduced by my right hon. Friend, and was conducted throughout with the greatest temper, moderation, and ability, gaining from hon. Members, almost in spite of themselves, a cordial approbation of a measure to which they were at first decidedly opposed, and their opposition to which was abated only by the perfect knowledge of the subject which my right hon. Friend exhibited, the good temper in which he was disposed to discuss it, and the readiness with which he received and yielded to every useful suggestion. I may say, then, that a Poor Law Bill has been passed which even the hon. Gentleman opposed to it will admit to contain very important amendments of the previously existing law. A Bill has also passed under the auspices of my right hon. Friend regulating factory labour, and embodying many most important provisions. Then, with respect to financial matters, one of the greatest financial operations that ever took place in this country has been performed in the course of the present Session, by which the Three-and-a-Half per Cents. have been reduced, and the foundation laid for the prospective and ultimate reduction of taxation to the amount of 1,240,000*l.* per annum now levied on the people of this country. That measure was brought to a successful issue in consequence of the high state of public credit. This is the just reward of public honesty. This is a legitimate reduction—this is the honourable economy which a country that is honest may adopt. If we had taken another course, and had refused to satisfy the claims of the public creditor, we might have saved in a dishonourable way 300,000*l.* or 400,000*l.*; whereas, by adopting that principle which is as applicable to states as to individuals, that honesty is the best policy, we have been enabled to make a considerable immediate reduction, and a very great prospective reduction, in the public expenditure, and at the same time to give general satisfaction to the public creditor. Let other nations profit by our example. I must at the same time say, that, in carrying through this measure, we received the general support of this House. I do not claim any exclusive credit for Her Majesty's Government. I am not making these observations in any party spirit. I am not speaking of it as a party measure. It was supported generally and cordially by the late Members of Her Majesty's Government. There were others who supported it, and who might have gained political objects, promoted party interests, and secured the aid and attachment of powerful parties, by obstructing the course of the Government and throwing obstacles in the way of the progress of this measure. It was fortunately excepted from the course of party politics, and I have therefore the happiness to reflect that a measure proposed by Her Majesty's Government, following out the principles of the Bill of 1819, did pass both Houses of Parliament with the cordial assent of the political opponents of the Government. A Bill has also passed with respect to the future regulation of joint-stock companies. I recollect sitting in a Committee on the subject of Joint Stock Banks, in June, 1837. We slso sat in 1838 and 1839. It was a subject on which it was most difficult to legislate, and great opposition, it was said, might be expected from the Joint Stock Banks, but in the course of the present Session we have passed a Bill regulating the concerns of all existing banks, and embracing new regulations with regard to all future Joint Stock Banks. In the course of the present Session, however, we have regulated the currency of all existing banks, and have established new regulations with respect to all future Joint Stock Banks. In the course of this Session legislative measures for the registration and regulation of Joint Stock Companies have also passed into a law. During this Session, too, though at a late period of it, a most important Act—the Insolvent Debtors Act—has received the sanction of Parliament; and a final blow has been struck against imprisonment for debt in all cases where the debt contracted does not exceed 20*l*. We have also had to deal with other questions of great importance and difficulty, relating to religious subjects; but no less than three most important measures, touching upon, and connected with, religious differences, have been passed. The Government proposed a Bill for preventing endless and most expensive litigation with respect to Dissenters' chapels. We resolved to face the very formidable opposition which this measure encountered, and which I certainly thought at one time would have been successful, though this question affected the interests of our decided political opponents—parties who had little interest or influence to recommend them to our sympathies. We were actuated, indeed, in dealing with this subject solely by a desire to do justice to all classes of Her Majesty's subjects. That Bill, which will prevent most expensive, useless, and vexatious litigation, was passed into a law. We have also settled, during the present Session, a matter in dispute in the north of Ireland, which affected the interests of a most powerful, most respectable, and most valuable class of Her Majesty's subjects—the Presbyterians of that country. The question to which I allude arose with respect to the validity of their marriages. The Bill which we introduced on this subject was viewed, in the first instance, with considerable jealousy and distrust; but, I am happy to say, it has passed into a law, and I believe the Presbyterians are entirely contented with it. I may observe, to the honour of the Established Church, that they expressed their full concurrence in this enactment, which was calculated to afford satisfaction to their Presbyterian fellow-subjects. Lastly, we introduced a Bill for the purpose of placing the charitable trusts in Ireland upon an entirely new foundation. It will be remembered that, at present, the constitution of the board which has the superintendence of charitable trusts in Ireland is almost exclusively Protestant. We have altered the constitution of that board. We have provided that those commissioners who are to superintend and control Roman Catholic charities and bequests shall be exclusively members of that religious communion. I may add, that the same spirit which induced us to introduce that Bill will preside over the execution of its enactments, and I cannot doubt that the Roman Catholics will find that that Bill, in its execution, as in its conception, is one calculated to accomplish our object—to facilitate the voluntary endowment of Roman Catholic Ministers and voluntary provision for the building of Roman Catholic chapels. These three important measures — the Charitable Bequests Bill, the Presbyterian Marriages Bill, and the Dissenters' Chapels Bill, have all been passed in the course of the present Session, on the proposition of the Government, and with the cheerful concurrence of the great body of the House. Other measures have also been passed, certainly of less importance, but the preparation of which was attended with considerable difficulty; and they add to the aggregate amount of our legislation. By one Act provision has been made with respect to all future Railways, for the comfort and convenience of passengers of the lower classes. Security has been taken, that with regard to all future Railways, (and we may anticipate that a large number of Railway Bills will be introduced in the next Session of Parliament), the public interests shall not be overlooked or disregarded. I myself proposed two Bills of very great local interest, relating to the Duchy of Cornwall. The object of those Bills is to settle a question which has given rise to litigation for years—giving tenants a more permanent interest in their holdings; and promoting, as I believe most materially, the interests of the duchy, by removing a long-standing cause of dispute between the Duke of Cornwall and the people. Another Bill of very considerable importance, and involving questions of great difficulty—the Metropolitan Improvements Bill, has also been passed; and the highest credit is due to the noble Lord the Chief Commissioner of Woods and Forests (Lord Lincoln), for the care and attention he has bestowed on this subject. I think I have now said enough to show the accuracy of the statement with which I set out, namely, that a Session more remarkable than the present for the extension of useful and beneficial legislation is not upon record. If the noble Lord had been inclined to imitate the example of others, and to take a review of the Session, I am satisfied he would have been enabled to present a much more satisfactory account of the business of this Session than persons were able to give of any previous Session within the last ten years. The right hon. and learned Gentleman, and also the noble Lord, had made reference to recent proceedings in Ireland. I am not going to enter into any discussion on that subject. But the only part of the noble Lord's speech which partook of the character of an attack on Her Majesty's Government, was in reference to the recent law proceedings in Ireland. The noble Lord stated that we had given no notice of our intention to prohibit proceedings which we thought dangerous to the public peace, and that we then suddenly resorted to the law, and charged parties with being guilty of a conspiracy for acts which had extended over several months. With respect to the law upon the subject, it is quite sufficient for me to state that the Court of Queen's Bench in Ireland was unanimous upon that point. Mr. Justice Perrin said, that although there might be a doubt upon technical points, yet he expressly declared that the evidence to prove a conspiracy was substantilly perfect and conclusive. With respect to the application of the law of conspiracy to the case, I believe the Court of Queen's Bench was unanimous. Now, I could not follow the noble Lord, I could not enter into all the reasons which induced Her Majesty's Government to forbear from all interference with respect to the great meetings held in Ireland in the early part of last year on the subject of the Repeal of the Union. I could not enter into that subject without provoking a debate which would necessarily bring into discussion in this House the conduct of persons who were the subjects of those proceedings, but who are now suffering the sentence of the law. Whatever advantage, therefore, the noble Lord may derive from that part of the case, I will willingly relinquish, rather than, at the close of the Session, bring under the consideration of the House the conduct of Gentlemen who are absent. I did on a former occasion state that Her Majesty's Government had on two several occasions determined to issue a proclamation for the suppression of particular meetings, with respect to which they had reason to believe that there would be a disturbance of the public peace, and the necessity of which proclamations was only obviated by the abandonment of the intention of the parties to hold such meetings. But it is entirely without foundation that Her Majesty's Government forbore interfering for the purpose of entrapping parties into the violation of the law, and then of having the opportunity of bringing a connected series of evidence of their misconduct as proof of a conspiracy. With respect to those other considerations which were entered into by the right hon. and learned Gentleman in reference to the prerogative of the Crown, I consider it my duty to maintain an entire silence. I shall content myself with saying, that I should consider it almost unworthy of me were I even to disclaim any of that feeling of personal vindictiveness with which the right hon. Gentleman (Mr. Sheil) supposed it possible I could be imbued. I must also distinctly declare that I cannot admit that there is any wrong which we are called upon to repair. I must distinctly deny that the trial of Mr. O'Connell was other than a fair trial; but as I said before, considering the circumstances under which that Gentleman is placed, considering his absence, considering that he is fulfilling the sentence of the law, I will not provoke any discussion with respect to Irish proceedings, which might make it necessary for me, in vindication of the conduct of Her Majesty's Government, to refer to the acts done, and declarations uttered by that Gentleman. The right hon. and learned Gentleman has said that he presumed, that the sole cause of the adjournment, instead of the prorogation of Parliament, was the position of affairs in Ireland. I cannot say that that is the sole cause. There are other circumstances which would make the prorogation of Parliament at the present moment inexpedient. I need not refer more particularly to those circumstances. But this I will not hesitate to say, that seeing that the Judges could not pronounce a judgment upon the matter referred to them, on the writ of error, until the latter end of August—seeing that they were necessarily absent on the circuit, and seeing that it is possible that the decision to be pronounced by the highest tribunal—the Court of Appeal—might be in favour of those who are now suffering the sentence of the law, I certainly should have lamented that a course had been taken by Her Majesty's Government that would have deprived those parties of the benefit of any such decision in their favour. If there had been no further reason, I should not have hesitated to advise an adjournment rather than a prorogation, in order that the chance might be given to the parties of a favourable decision. Although, therefore, an adjournment instead of a prorogation has not been solely caused by the Irish trials, still I do not deny that that would have been a sufficient cause for an adjournment. The noble Lord says, that Her Majesty's Government has as yet done nothing for Ireland. Is this the fact? First, I will speak of that subject which, in the course of the last Session, was felt to be a matter of the greatest importance as affecting the interests of Ireland, I mean the relation between landlord and tenant. The circumstances of the country were such as induced the Government to prefer making a full and comprehensive inquiry, rather than proceed to any precipitate legislation upon such a subject. The hon. Member for Bolton brought forward a Bill touching the relations of landlord and tenant on certain points, and no doubt the Government might have relieved themselves from further responsibility by adopting that Bill, but they considered it not to be the proper course they ought to take. The Government appointed a Commission of Inquiry, composed of men who were entitled to the confidence of the country, for the purpose of making a full and effectual inquiry with respect to the local usages, peculiarities and systems introduced into the different parts of the country. I think that was a much wiser course than if the Government had immediately proceeded to legislate on imperfect information. Although, therefore, Her Majesty's Government have not yet introduced any measure on the subject they have adopted means to lay before Parliament full information on the nature of the relation between landlord and tenant, with the means of determining what should be the legislative remedy to be applied. I think I have sufficiently shown that the measures of Her Majesty's Government in regard to Ireland have not been at all influenced by recent events, nor has the spirit of their legislation been in any degree affected by them. With respect to the Charitable Bequests Bill, I have already stated the great benefits that must accrue; and I have also stated, and will now repeat, that it is the intention of Her Majesty's Government, during the recess, to take into consideration the question of academical education, for the purpose of ascertaining what is the best mode of supplying that deficiency, which we admit to exist in respect to lay academical education in Ireland. The condition of Maynooth will not escape the attention of the Government, nor the necessity of establishing an ecclesiastical college that shall be a satisfactory one. The Government will apply themselves to consider that question, in the hope of remedying some of the defects, and of removing some of the objections which apply at present to that college. I think, therefore, that that which Her Majesty's Government have already done, and that which they state it to be their intention to do during the recess in regard to Ireland is sufficiently indicative of the spirit in which they are disposed to act towards that part of the United Kingdom. We have always stated, although the measure we introduced upon the subject did not receive the sanction of the House, that with respect to the franchise, we thought that as a general rule Great Britain and

Ireland should, as far as possible be placed upon the same footing, and upon an equality as to civil and political liberties. The Municipal Bill proposed by the Government did carry out that principle. It did propose to place the municipal franchise in Ireland precisely on the same footing as the franchise is placed in this country. But it would be very unwise for me now to enter into any discussion upon this point. I only state what are the intentions of Her Majesty's Government; but I do not wish to be unnecessarily and unwisely led into any discussion upon these points. The present discussion was commenced, and I trust it has been continued and conducted by me in a spirit remote from all party asperity. I trust I have not said anything to provoke a reply from others which shall savour of bitterness or party rancour. I must say that no man laments more than I do the existence of those jealousies in Ireland and of those unfortunate dissensions that have prevailed, tending, as no doubt they do, to weaken the strength of this country. But although these things have prevailed, I am not the less confident that in case—but I trust there will be no necessity of such an appeal—but in case the honour or interest of this country should require that such an appeal should be made. I have not a doubt that the people of Ireland would, with the people of Great Britain, cordially and zealously support their Sovereign in the maintenance of her Throne and the honour and interests of her Empire. The noble Lord did not draw any contrast between the condition of the country, in which it is at present placed, and with its condition at former periods. But I cannot help thinking that those who will carefully consider the general condition of the country at this day, on which Parliament is about to separate, with the condition of the country in 1841; if they will consider what had then occurred in England, if they will consider what was the condition of this country in respect to the revenue at that period, what was its condition with respect to its trade, what with respect to its industry, I think they must come to the conclusion that the contrast is favourable, both in respect to the strength of the country, and the happiness of the great mass of the people. But it is not my wish to drive the noble Lord into making this contrast, and as he has not made it, I will not claim undue credit for Her Majesty's present Ministers. I will only state that which I believe to be true, that in respect to revenue, in respect to trade, in respect to employment, and in respect to the general comfort of the people, we may entertain a cordial satisfaction, that there has been a material improvement in all these matters, without there being any doubt of advancement in the general prosperity of the Empire.

Mr. *Hume* said, that it was all very well for the right hon. Gentleman to congratulate the House on the present state of the country as compared with its condition three years ago; but could any man conscientiously say, when looking at the actual condition of the miners and the manufacturing classes, that he participated in the satisfaction expressed by the right hon. Baronet? The question was, could Parliament better the condition of the working classes? He considered that it was in their power to give great relief by equalizing the taxes which at present pressed most unequally on the people. There was one expression which fell from the right hon. Baronet that he could not allow to pass unnoticed. The right hon. Gentleman had said that Mr. O'Connell had had a fair trial. He believed the reverse—and he believed that the right hon. Baronet's assertion was not only contrary to the opinion entertained by this country, but by the whole civilized world. There was an almost universal conviction that Mr. O'Connell had not had a fair trial. That was a conviction deeply rooted in the general mind—especially on the subject of the Jury—the great tribunal where justice alone could be obtained. It was impossible to say that Mr. O'Connell had had a fair trial. In respect to the policy of Her Majesty's Government, within the last few weeks, with regard to Ireland, he believed it was characterised by the spirit of conciliation, and contrasted favourably with the spirit evinced at the commencement of the Session. If the right hon. Gentleman would persevere in that spirit, he would soon find a response from the people of Ireland. He thanked the right hon. Gentleman for the several excellent measures he had introduced during the latter period of the Session, more especially the Dissenters Chapels Bill. Let the spirit which dictated that measure prevail in the Cabinet, and the right hon. Gentleman might reckon upon the cordial support of the country.

Mr. *B. Cochrane* said, that there was a single omission in the speech of the right hon. Baronet. He had not held out a hope that it was his intention to introduce any further alterations in the Poor Law. The House must fully concur in the eulogy which the right hon. Baronet had passed upon the ability and temper with which the right hon. Baronet the Secretary of State for the Home Department had brought forward the question of the Poor Laws. It formed a striking contrast to the conduct pursued by certain hon. Gentlemen on the question who usually supported the Government and sat behind the Treasury Bench. He had some thoughts of bringing forward in the next Session of Parliament a measure for regulating the wages of labour. He would have done so this Session if there had been time to pass it. Nothing had been done for the establishment of the system of allotment to the poor. In those parishes where that system was in operation much distress had been alleviated. In Scotland, where this allotment system was in operation, and where they had no Poor Laws, the distress was not so great as in this country. Were the House disposed to entertain the question, he had it in his power to bring forward fresh cases which would fully demonstrate the harshness of the present Poor Law.

Mr. *Villiers* said, that if the hon. Member was sincere in his wish to better the condition of the poor, and thought that increasing their employment was the way to effect it, he wondered at his complaint of the speech of the right hon. Baronet; for if he rightly apprehended the part of that speech that referred to this matter, it was that of congratulation at the improvement which had taken place. The right hon. Gentleman pointed to the improvement of the Revenue, the prosperity of trade, and the better employment of the poor which had resulted from his policy. As that policy consisted in relaxing the restrictions on trade, lowering the protective duties, and thereby increasing the demand for labour, he must express his surprise that the hon. Member for Bridport, was always found in opposition to that policy. The right hon. Baronet was right in saying that trade had improved, and that the poor were better off, and as the hon. Gentleman's remedy abolishing the New Poor Law had not effected it, he would do well to inquire whether it had not resulted from the causes of pauperism being somewhat mitigated, and he would recommend to the hon. Gentleman the more worthy object for his consideration of learning the means by which pauperism could be prevented, and not confine his whole attention to providing for it as it occurred. He would recommend the hon. Member to employ the recess in considering what was the effect of restricting trade, checking the employment of capital and narrowing the sources for consumption upon the condition of that class which was the professed object of his solicitude; and if the hon. Member applied his mind honestly to that consideration, he should expect next Session that the hon. Member would not be found in constant hostility to every measure that had in view to extend trade and augment the resources of the nation. Let him advise the hon. Member to give a little time to this subject, and he doubted not but the hon. Member would take some higher view of the want and condition of the working-class than that of beggars and paupers. He had not risen, however, to enter upon a discussion of these topics, or refer generally to those matters which had been touched upon by the leaders of the two great parties, and on which they appeared to differ, but only to refer to that point on which they seemed to agree, but on which he did so entirely differ, that he never would hear what had fallen from them without rising to express his utter and unqualified dissent. He referred to the assertion that had been made that night, that agriculture bore any peculiar burthens, and afforded thereby an excuse for monopoly. He did not hesitate to say, that this was not borne out by the fact; he gave it an unqualified denial, and in the most confident way in which he could. He defied those who asserted it to prove it. Inquiry into this point had time after time been demanded by this House, and had been refused; and it literally stood before the country now as a bare assertion, unsupported by evidence, for which proof was refused, and used only as a pretext for the continuance of a Corn Law. He repeated, as he had done so often before, that there was not one single charge that could be termed peculiar or exclusive on the land. Whatever local taxes were imposed were borne by property other than land in its due proportion; in some parishes, and in some counties the property other than land bore a much larger share than the land itself. His noble Friend had alluded to those that he thought were the most severe, and they were the county-rate and the malt-tax, and these had been assented to by the right hon. Baronet. Now he really wondered how they could keep their countenance in urging such an argument. The county-rate an excuse for the Corn Laws! —look at its amount, in the first place, compared with what the Corn Laws cost—look at the property liable to it in the next, some owners of which suffered as much from the Corn Law as any other individual; and look again to the fact that within a very few years a very considerable portion of that which used to exist before the Corn Laws were passed has since been placed on the Consolidated Fund. Can this be gravely believed to be an excuse for limiting the supply of food to the whole community? Then, again, the malt-tax, which is a tax on the beer of the community, and which, if it injures the agriculturist at all is, of course, by first injuring the consumer, by limiting his power of consumption. And after this injury being inflicted upon him, he is to be told that on this account he is to be visited by another tax on his bread; and because by his poverty he cannot consume beer enough to suit the landlord, therefore he is to be taxed in his bread for the benefit of this seller of corn. That, certainly, is not very just and rational, and yet these are the grounds for continuing the Corn Law. [Mr. *Cochrane*: The poor-rate.] The poor-rate! Why, really, he thought that this notion had been abandoned, by its not having been repeated with the others that night, and because it was too silly to talk of. What! make food scarce, make employment difficult, reduce the working man to pauperism, and then complain of the cost of relieving him, and call this self-inflicted burthen a peculiar charge for which you are to have indemnity. Very just, very consistent indeed. No, these things could hardly be said earnestly; they will certainly not be treated so out of doors. He was glad however, that they were mentioned at the close of the Session, when so many persons were giving thought to the subject, for they would doubtless be well sifted and considered during the recess, and they should be fully prepared for discussion next Session. He was obliged to the noble Lord for having raised the question upon this occasion. He thanked him for saying that he was dissatisfied with the present system, and that he would always, if others were not, be forward to disturb it. He was sure that when the noble Lord, with all the authority of his character and station, at the head of a powerful party in the country, declared that he considered that the present Corn Law was a vast evil, and could not too soon be changed that nobody out of this House would consider the question settled, or that the little change that had been made two years ago could be said to approach a final settlement. It was important that this should have been said at this time. He knew that there was a fancy on the opposite side that the present law was to have a trial, and was considered satisfactory for the time. The noble Lord had dispelled that illusion by his speech that night, and it would go forth in season to the country, for he knew that the farmers were generally dissatisfied with the present law—they saw nothing stable in it—they saw it already fail in its promise to the producer,—they had regarded it as a mode of maintaining a certain price for their produce, and they had agreed for the land with that view, and already they had been deceived. It was at this moment giving them 6*s.* less per quarter for their wheat than they were taught to expect from it, and it was precisely of this that they complained—they were constantly being meddled with, and deceived. Now, what the farmers want is, that there should be a final settlement and an adjustment accordingly with those that they have to contract with for the land. The farmers want stability; they want you to give up legislating for agriculture; to do, in fact, what you promise, or do nothing; and the farmer never will be well off, he never can do justice to his labourer, if he is to be giving rent for his land under a delusion, which leaves him a victim, and renders him spiritless and timid in the conduct of his business. He knew that rent was an affair between landlord and tenant, and that this House had properly nothing to do with it; but it was forced upon their attention when landlords came to this House for a law to keep up the price of produce, and which had not the effect of making that produce plentiful; but only resulted in making rent high. They were compelled in consequence to examine into the state of the farmer, and the influence which this law had upon him, and their condition at this moment was that of loss, and suffering, and discontent. [Colonel *Sibthorp*: No.] The hon. Member for Lincoln says the farmers are not dissatisfied with the present state of things; he would tell the hon. Member in the face of the House and the country, that the farmers were generally ill off—that they were not satisfied—that they want things settled—that they want to see an adjustment of rent to prices—that they see nothing but the prospect of prices falling, and rents being maintained; and that this is a prospect of ruin and distress to them. He said further, that there was no hope for any improvement in this state of things while the Corn Law lasted, and could not be placed on any just or national ground. The law could not be tolerated in this free and densely peopled country under its present circumstances, and the farmers could not be well off till it was settled. Settlement of the question was worth any price to the agriculturist, and that could only be done in one way. He, however, would again thank the noble Lord for the assurance he had given to this country to-night that the present arrangement should not, as far as he could prevent it, be final, and the more that was impressed upon the parties interested, the sooner they would prepare their minds for that total abolition of this law which was alike required by policy and justice.

Colonel *Sibthorp* maintained that more had been done this year for the benefit of the country than in ten years of previous legislation under the late Ministry. He denied that the farmers were discontented. They had a most gratifying harvest, and, moreover, they witnessed the regular decline and fall of the Anti-Corn Law League. Though in some little points the farmers complained, he had no hesitation in saying that both farmers and labourers were in an infinitely better condition than they were formerly, during the constant agitation of the hon. Member for Wolverhampton and the Anti-Corn Law League. He trusted that body was nearly crushed. He knew they were very low in that which they most sought after—funds—and though he did not usually rejoice at the misfortunes of his fellow creatures, yet he could not help rejoicing to hear that they had not a shilling left in their locker. The whole country was deeply indebted to the Ministers for their attention, assiduity, talent, and, what he valued above all in any Ministry, their honesty.

Lord *Ebrington* thought the praise of the measures of Ministers did not come very well from the hon. and gallant Member, considering that he had himself opposed several of the most important—such as the Dissenters Chapels Bill, the Poor Law Bill, and the Factory Bill.

The question of adjournment agreed to.

MERCHANT SEAMEN'S BILL — AN OMITTED CLAUSE.] In the course of the preceding debate, a Conference was held with the Lords on the subject matter of the Amendments, made by the Lords, to the Merchant Seamen's Bill. The Report was—

"That the Managers had met The Lords at Conference, which was managed, on the part of The Lords, by the Earl of Liverpool, who acquainted them that The Lords being desirous at all times of maintaining a good correspondence with the Commons, have desired this Conference, in order to communicate to them, that in the Bill, intituled, 'An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen' (which has been returned to The Lords, with the Amendments made therein by them agreed to by the Commons), there was an omission of one Amendment in the Paper of Amendments sent to the Commons, namely, in Press 66, line 8, to leave out the words 'and Prize Money,' which Amendment was made by The Lords, in addition to those contained in the Paper of Amendments formerly sent down by them, but which was inadvertently omitted from the Paper of Amendments so sent down; to which Amendment they desire the concurrence of the Commons."

Matter communicated by the Lords at the Conference, taken into consideration, and Mr. Speaker having been desired to give his opinion to the House, on the point of form in respect of the proposal made by the Lords—

The *Speaker* said, that he was not aware of any precedent directly applicable to the present case, but he considered that it would establish a most inconvenient and dangerous one if the House were now to entertain the Amendment which had unfortunately been omitted from the Merchant Seamen Bill when it was sent back from the Lords. That omissions and mistakes had occasionally been rectified during the progress of measures in the two Houses of Parliament; but in the present instance the Lords' Amendments had been agreed to at a stage when it was no longer possible for the House to re-consider them, if they were in any degree affected by the Amendment which had been omitted; and the Commons' agreement to these Amendments having been indorsed upon the Bill by the Clerk, this proceeding ought, in his opinion, to be considered final and conclusive.

Committee appointed, to draw up Reasons to be offered to the Lords at a Conference for not taking into consideration the Amendment now proposed by the Lords.

Reasons for not taking into consideration the Amendment proposed by the Lords, reported; and the same were read, as follow:—

"The Commons express their deep regret, that by any inadvertence the whole of the Amendments made by their Lordships in the Merchant Seamen Bill should not have been presented to the House of Commons before the Bill was returned with the Amendments agreed to by the House of Commons.

"They consider, however, that great inconvenience would result from establishing a precedent for entertaining any Amendment made by either House of Parliament in Bills sent down from the other House, which Amendment had not been inserted in the Bill as sent down, after the Bill shall have been returned with all the Amendments agreed to which were submitted to the consideration of the Commons.

"It appears to the House of Commons very possible that an Amendment, perhaps unimportant in itself, may have a material bearing upon the effect of other Amendments; and as the Commons possess no power of altering the Amendments to which they have agreed, and which have been returned to The Lords, it might occur that material changes in the Law might be inadvertently effected, by adopting an Amendment under the circumtances under which the present Amendment is now sent down by their Lordships."

For these Reasons the Commons cannot agree to the Amendment as proposed by their Lordships. A Conference was held at which these Reasons were communicated to the Lords, who by a message declared—

"That they did not insist on their Amendment to the Merchant Seamen's Bill."

Mr. *S. Herbert* afterwards reported from the Committee appointed to draw up Reasons against the Lords' Amendments to the Merchant Seamen's Bill, and it was ordered that the Reasons be sent to the other House. They were accordingly communicated to the House of Lords; and a Message was subsequently received that the Lords did not insist on their Amendment.

Masters and Mates.] Lord *Ingestre* wished to ask the Secretary for the Admiralty, whether it was intended next Session to introduce a measure for the examination of masters and mates of merchant vessels?

Mr. *S. Herbert* answered that it was intended by the Admiralty to institute such a Board immediately, and not to take up any merchant ship for the Queen's service that was not commanded by a master or mate who had been examined.

House adjourned at eight o'clock, to September 5th.

HOUSE OF LORDS,

Monday, September 2, 1844.

[The House met, according to adjournment, for the despatch of their judicial functions; the only business of a Parliamentary character was the presentation of a Return of the Number of Royal Commissions for giving the Royal Assent to Bills during the Session.]

House adjourned.

HOUSE OF LORDS,

Wednesday, September 4, 1844.

[The only Parliamentary business was the presentation of some Returns and Reports.]

House adjourned.

HOUSE OF LORDS,

Thursday, September 5, 1844.

Minutes.] Bills. *Public.—Received the Royal Assent.*— Joint Stock Companies Registration and Regulation; Joint Stock Companies Remedies at Law and in Equity; Joint Stock Banks Regulation; Art Unions; Merchant Seamen; Law Courts (Ireland); Fisheries (Ireland).

Petitions Presented. From Merchants, Shipowners, etc., respecting the appplication of Money granted for the purposes of Steam Navigation.

Her Majesty's Answer to the Address.] Earl *Delawarr* appeared at the Table, with his wand of office and key, as Lord High Chamberlain, and read the Answer of Her Majesty to the Address of the House, agreed to on the 6th of August, congratulating Her Majesty on the Birth of a Prince. Her Majesty's Answer was to the following effect:—

"I have received with great Satisfaction your loyal Address; I thank you for your Congratulations, and I accept this Address as an additional Proof of your Attachment."

The Duke of *Wellington* moved that Her Majesty's gracious Answer be printed.

Ordered.

SPEECH OF THE LORDS COMMISSIONERS.] The *Lord Chancellor*, having taken his seat at the foot of the Throne, together with the other Lords Commissioners, viz. — the Lord President of the Council (Lord Wharncliffe), the Lord Privy Seal (the Duke of Buccleugh), the Duke of Wellington, Earl Delawarr, and the Earl of Dalhousie — directed the Gentleman Usher of the Black Rod to require the attendance of the Commons; who having appeared preceded by their Speaker, and the Royal Assent having been given by Commission to some Bills,

The LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, delivered the following Speech,

My Lords, and Gentlemen,

WE are commanded by Her Majesty, in relieving you from further Attendance in Parliament, to express to you the warm Acknowledgments of Her Majesty, for the Zeal and Assiduity with which you have applied yourselves to the Discharge of your Public Duties during a laborious and protracted Session.

The Result has been the Completion of many Legislative Measures, calculated to improve the Administration of the Law, and to promote the Public Welfare.

Her Majesty has given Her cordial Assent to the Bill which you presented to Her Majesty, for regulating the Issue of Bank Notes, and for conferring certain Privileges upon the Bank of *England* for a limited Period.

Her Majesty trusts that these Measures will tend to place the pecuniary Transactions of the Country upon a sounder Basis, without imposing any inconvenient Restrictions on Commercial Credit or Enterprize.

We are directed to inform you that Her Majesty continues to receive from Her Allies, and from all Foreign Powers, Assurances of their friendly Disposition.

Her Majesty has recently been engaged in Discussions with the Government of the King of the *French*, on Events calculated to interrupt the good Understanding and friendly Relations between this Country and *France;* you will rejoice to learn that, by the Spirit of Justice and Moderation which has animated the Two Governments, this Danger has been happily averted.

Gentlemen of the House of Commons,

WE are commanded by Her Majesty to thank you for the Readiness with which you voted the Supplies for the Service of the Year.

Her Majesty has observed with the utmost Satisfaction that by the Course to which you have steadily adhered in maintaining inviolate the Public Faith, and inspiring a just Confidence in the Stability of the National Resources, you have been enabled to make a considerable Reduction in the Annual Charge on account of the Interest of the Public Debt.

My Lords, and Gentlemen,

HER Majesty desires us to congratulate you on the Improvement which has taken place in the Condition of our Manufactures and Commerce, and on the Prospect that, through the Bounty of Divine Providence, we shall enjoy the Blessing of an abundant Harvest.

Her Majesty rejoices in the Belief,

that on your Return to your several Districts you will find generally prevailing throughout the Country a Spirit of Loyalty and cheerful Obedience to the Law.

Her Majesty is confident that these Dispositions so important to the peaceful Development of our Resources, and to our National Strength, will be confirmed and encouraged by your Presence and Example.

We are commanded by Her Majesty to assure you, that, when you shall be called upon to resume the Discharge of your Parliamentary Functions, you may place entire Reliance on the cordial Co-operation of Her Majesty in your Endeavours to improve the social Condition, and to promote the Happiness and contentment of Her People.

Commission for proroguing the Parliament read.

The LORD CHANCELLOR: My Lords and Gentleman, By Virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name, and in obedience to Her Commands, prorogue this Parliament to Thursday, the 10th day of October next, to be then here holden; and this Parliament is accordingly prorogued to Thursday, the 10th day of October, next.

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HOUSE OF COMMONS,

Thursday, September 5, 1844.

MINUTES.] NEW WRIT.—For the Northern Division of Lancashire *v.* Lord Stanley, acc. Chiltern Hundreds.

NEW MEMBER SWORN. For Dudley, John Benbow, Esq.

PETITIONS PRESENTED. By Mr. Hawes, from Llanegryn, Dolwyddelan and Welshpool, in favour of the County Courts Bill.—From Trelawny, Jamaica, for reducing the Duty on British Colonial Sugar.—By Mr. T. Duncombe, from Robert Thomas Webb, for Reform in Medical Profession.

THE BIRTH OF A PRINCE.] The Earl *Jermyn* appeared at the Bar, and acquainted the House that Her Majesty had been waited on by such Members as were Privy Councillors, to offer the congratulations of that House on the birth of another Prince, and that Her Majesty was pleased to receive the same very graciously, and return the following answer:—

"I return you my hearty thanks for this dutiful and loyal Address. I receive with satisfaction this new token of your affectionate attachment to me and my Family."

TAHITI AND MOROCCO—RELATIONS WITH FRANCE.] Sir *C. Napier* wished to ask a question of the hon. Baronet opposite, which he hoped his sense of public duty would enable him to answer so as to quiet the excited state of public feeling, which had now existed for some time. About two months ago, the right hon. Baronet declared in that House, in a bold, manly manner, becoming the character of the Prime Minister of the country, that he had demanded reparation from the French Government, for the gross outrages which had been committed on the person of our Consul at Tahiti. Since that time we had received information from Tahiti, which showed, that instead of Queen Pomare asking the French to become her protectors, the protectorate had been established contrary to her wishes. Events of great importance had also taken place in various other parts. A French squadron had been sent to Tangier, and had bombarded that almost defenceless place. The French had not taken possession of Tangier, but another squadron had proceeded to Mogador, which, to use the expression of the Prince de Joinville, had been *ecrasè*, and the island of Mogador taken possession of. In addition to all this, another squadron had been sent to Tunis, and the French were making other warlike preparations, by the arming of a new class of gun-boats. At the same time, since the first attack on the coast of Africa, we had paid off an efficient three-decker and a guard-ship, and commissioned only one with a crew of a third-rate; we had also paid off two frigates. The question he wished to ask was, whether France had made the reparation for the gross outrage, which the right hon. Baronet had demanded; and if not, whether the Navy was to be left in the neglected state it had been in so long? The Admiralty, when at Portsmouth the other day, had made a beginning, no doubt, in the right spirit. He was not surprised when the First Lord saw the dilapidated condition of things in Portsmouth, that the noble Lord had been taken alarmingly ill.

Sir *R. Peel:* I think I shall best perform my duty to the House and to the public by making as brief an answer as possible to the questions put by the gallant

Officer. I must state that Her Majesty's Government have no reason to doubt, that the assurances they have received relative to the proceedings taken by the French in Morocco and on the African coast, will be strictly fulfilled. As to the other events to which the gallant Officer has referred, I have to state, that discussions have taken place between this Government and the Government of the King of the French, with regard to events, the occurrence of which was calculated to disturb the friendly relations between the two countries. I have the satisfaction of stating, that those discussions have been brought to an amicable and satisfactory termination. The communications that have passed between the two Governments will, of course, at a future period, be laid before this House and the country, and I trust I shall not be pressed at the present time for any farther statement on that subject.

Mr. *Hindley* wished to know the opinion entertained by the right hon. Baronet relative to the conduct of Mr. Pritchard. That gentleman, now in this country, had had his conduct maligned; he was charged with having acted most imprudently; and it would be but fair that the right hon. Baronet should state his impression as to the course he had pursued.

Sir *R. Peel:* I have already stated that the discussions which have been for some time past pending, have been brought to an amicable and a satisfactory termination —satisfactory to both countries; and I do hope that I shall not be pressed to make any farther statement at the present moment. When I say "satisfactory termination," of course I mean one perfectly consistent both with the interest and honour of this country.

Subject at an end.

LORD STANLEY.] Mr. *T. Duncombe:* I wish to ask whether the new writ which has been moved for North Lancashire is connected in any way with Lord Stanley's secession from the Cabinet. I beg to inquire if he is still at the head of the Colonial Department? [*Laughter.*]

Sir *R. Peel:* I have great satisfaction in stating—and I hope the hon. Gentleman will derive equal satisfaction from learning the fact—that my noble Friend's position in the Colonial Department is not in the slightest degree affected by the writ which has been moved for.

THE STATE TRIALS—REVERSAL OF THE JUDGMENT.] Mr. *T. Duncombe:* I was not aware that the question I asked was an improper one, or would cause so much ridicule and laughter from noble Lords and right hon. Gentlemen opposite. A noble Lord holding a high office in Her Majesty's Councils—the Colonial Secretary of State—suddenly quits this House. A Member gets up and asks whether he still retains his post, and the right hon. Baronet is facetious at my expense, because I inquired whether the noble Lord's retirement from this House would create a vacancy in Her Majesty's Councils. I still think that was a legitimate question; but I have another question to put. I am about to make a Motion, which I think so reasonable and so just, that I hope the right hon. Baronet will offer no opposition to it. I know that the Black Rod is about to knock at our door, and therefore I will not take up much of your time, as I should wish to have done in making those observations I think necessary on the present occasion. I wish to move for a copy of the opinions delivered by the Judges in the House of Lords, on the questions propounded to them in the case of "O'Connell *v.* the Queen," together with a copy of the notes taken by the short-hand writer appointed to report the judgments and proceedings thereon in the House of Lords. The opinions of the Judges have already been laid on the Table of the House of Lords, printed, and are in general circulation. There can, therefore, be no objection to their being communicated to this House. With respect to the judgments, I understand that a short-hand writer was officially appointed to take them down. I am quite sure whenever they are seen, if correctly reported, as I have no doubt they are correctly reported, by the public press, some of them will redound greatly to the credit of the noble and learned Lords who delivered them. With respect to one in particular, I mean that pronounced by Lord Denman—it ought to be laid on the Table, and printed in letters of gold. We all recollect what occurred at an early period of this Session. We recollect the vapouring that took place about "convicted conspirators," and the credit the right hon. Baronet opposite, the Secretary of State for the Home Department, took to himself for bringing these convicted conspirators to what he was pleased to call "condign punishment." But now it turns out that the "convicted conspirators" are no conspirators at all; and the "condign punishment" turns out to be the grossest cases of false imprisonment ever perpetrated against any individuals. I was taunted by the right hon. Baronet (Sir J. Graham) for having been advertised as chairman of a dinner to be given to one of the convicted conspirators; but I felt, in common with my countrymen, that the whole of these proceedings were disgraceful and contemptible. They were a disgrace to the Government, and particularly to the Home Office, where it is believed they were concocted, and to the Court of Queen's Bench in Dublin, where they were enacted. There appears to be no doubt of that fact whatever. And when I think of all the unfair advantages which the Government took of Mr. O'Connell and his companions in prison—when I recollect their fraudulent Jury List, the packing of the Jury, the partizanship of the Judge, the employment of spies, and the subornation of reporters, I rejoice to know that the matter has ended as it ought to end—to the disgrace and defeat of those Gentlemen I now see opposite, the original concoctors of those proceedings, and conspirators against the rights and liberties of the Irish people. I cannot but condemn in the strongest terms the precipitate manner in which the Government have acted in actually imprisoning those gentlemen for three months. I have called the case one of the grossest instances of false imprisonment; from the beginning to the end it has disclosed a vindictive feeling on the part of the Government, and party malice against individuals. When a measure was submitted to suspend the execution of the sentence till the validity of the judgment was ascertained, it was rejected for the very reason that it might be favourable to Mr. O'Connell. This looked like a vindictive spirit on the part of the Government. And the country has a right to know what is to be looked for with respect to Ireland—what reparation is to be made to the Irish people for the gross insult which has been offered to their leaders—on what their hopes and their affections are to rest. The cause of repeal has been promoted by the course taken by the Government, and it has received a new impetus which it will be difficult to counteract. An impression prevails even among Englishmen, that they would, if Irishmen, be repealers. Ireland has been insulted in a manner she will not easily forgive, nor England easily forget. The Returns I now move for will be ready, I hope, by next Session, when I trust, whatever majority the Government may have, there may yet be sufficient independence in the House to induce an expression of feeling as to the baseness, the illegality, and the injustice of the incarceration of those who have thus been unlawfully imprisoned.

Mr. *Otway Cave,* in seconding Mr. Duncombe's Motion, congratulated both England and Ireland on the great event of yesterday—an event immeasureably superior to any party triumph, and but for which Trial by Jury might have become, instead of a safeguard to the innocent, an instrument of Ministerial oppression, a delusion, a mockery, and a snare. He was not without hope that this reversal, by the highest Court in these realms, of one of the most illegal and unconstitutional verdicts ever recorded, might soothe the justly irritated feelings of the Irish people, that it might show them that, even under a Tory Government, the attainment of justice even for them was not altogether impossible, and that the dignity and purity of English law, in spite of political or personal influences, could triumph over any conspiracy of men in power against their rights and liberties attacked in the person of their leader. The conduct of the Judge, the composition of the Jury, and all the unworthy and pettifogging tricks which had been resorted to, to obtain a conviction against Mr. O'Connell, were too well known throughout Europe to need any further comment from him; one remark, however, he must make on the species of sanction given by the Head of the Government to the principle acted on in open Court by his Irish Attorney General—that, namely, of taking the law into his own hands, and appealing to force instead of argument or authority. It was his duty to inform the right hon. Gentleman that the consequences of such conduct passing unreproved by him might be most calamitous in a country so peculiarly circumstanced as Ireland, and where, above all things, it was necessary to inculcate obedience to the law. He therefore greatly lamented this omission, as he feared that the example alluded to might be but too readily imitated and considered by the Irish peasantry as a sanction for what was called the wild justice of revenge. The decision of the House of Lords having for the moment saved the Government from the consequences of their ill-advised and unjust conduct, he implored the right hon. Gentleman to avail himself of this golden opportunity for the commencement of a wise and generous policy towards Ireland. Three years ago in that House he had received, as he considered, a pledge from him that such should be adopted; he had warned him of the dangers of a contrary course, and he could only lament that the pledge had been unfulfilled, and the predictions realised. He now again implored him to retrace his steps; but whether he did so or no—whether he chose to attempt to govern Ireland by partisan Judges and packed Juries, and by the brute force of a majority in that House, or by redressing her enormous and admitted grievances, it was his duty again to tell him, and the country through him, that with all the fleets and armies at his command, although even now he might conciliate, he never could reconquer Ireland.

Sir *R. Peel*: Sir, it would be very inconvenient if, under the circumstances in which the House is now placed, we should be drawn into a discussion on what has recently occurred—a discussion in which I must be interrupted before I had concluded my observations. But at the proper opportunity I shall be perfectly prepared to vindicate the course the Government has pursued. The hon. Gentleman (let me remark) has certainly overlooked the fact that seven out of nine of the English Judges affirmed the judgment of the Court below. As to the accusations about packing Juries, I shall not be provoked to enter into any partial discussion of these charges. I content myself with declaring, that whenever the fitting period arrives I shall be prepared to vindicate the course taken by the Government in vindicating the authority of the law by an appeal to the ordinary tribunals, asking no extraordinary power, though at a period of admitted danger—appealing to the law alone for a remedy to the evils with which we had to contend. As to the particular Motion proposed, I certainly have no objection to it, and should be happy if the Message to the Lords for the papers required could be sent now; if not, I give an assurance, which the hon. Gentleman may depend on, that nothing shall prevent the communication being sent at the earliest time possible. I was sorry to hear the allusions of the hon. Gentleman to the conduct of my right hon. Friend the Attorney General for Ireland, after his expressions of frank regret, which I think set him completely right in the feeling and opinion of the House, and extorted from political opponents the admission that into whatever error he had fallen (under provocation which, perhaps, few men could have withstood), no more need be said upon the subject, after his ample acknowledgment of that error. Sir, with respect to the accusations now uttered, nothing can be more easy than for Gentlemen to deal in such harsh expressions as to the conduct of Government. I utterly deny—I emphatically deny—the charges implied in this harsh language; but on the present, which I feel is not the proper occasion, I shall not enter into the subject, which at a fitting opportunity I shall be quite ready to discuss.

Lord *John Russell*: I feel equally with the right hon. Baronet the inconvenience of entering at this moment into a discussion upon the recent judgment of the House of Lords. But I must, after what the right hon. Gentleman has said, re-assert the opinion which I formerly expressed. After what the right hon. Gentleman has said of the conduct of the Government, I must, I say, re-assert my own opinion, more than once expressed in this House, that the trial of Mr. O'Connell and the other traversers in Ireland was not such a trial as could give an impression of the fairness and justice of the Government. I shall be ready, therefore, whenever the right hon. Gentleman shall introduce the subject, to enter into the discussion, strengthened and confirmed in my own views by the opinion which has just been pronounced by the House of Lords. If the right hon. Baronet had merely and fairly resorted to the law—if he had given to each person accused the full benefit of Trial by Jury as it is administered in England—I should not have blamed the Government for their course; but that which I then said, and which I think more strongly now, is, that the trial was not a trial by a fair jury, but one elaborately put together for the purpose of conviction, and charged by a Judge who did not allow any evidence or consideration in favour of the traversers to come fairly before his mind, but who charged far more violently than the Attorney General had accused, thus acting towards a prejudiced Jury in such a manner as to prevent due justice being done to the people of Ireland as it was done to the people of England. I trust that the effect of these proceedings will be, that no example of such a trial will again occur, but that hereafter the people of that country may enjoy the benefit of English institutions, and that if they have not had them hitherto, they will see that there is in the highest quarters in this country, among men of the highest legal authority, and of the greatest attainments of every kind, a determination to do what they conceive to be justice, not because they themselves belong to Ireland, but because they think that all the Queen's subjects throughout the United Kingdom ought to have the full enjoyment of those inestimable privileges of which Englishmen have so long been proud.

Sir *Thomas Wilde* agreed that it would be highly inexpedient to enter at this time into a discussion of the merits and effect of the judgment which had been so recently pronounced by the House of Lords—the discussion could neither be sufficiently full nor fair, and therefore ought not to be entered upon at all, and he should not have risen, except for the extraordinary attempt of the right hon. Baronet to diminish the value and to lessen the effect of the solemn judgment of the House of Lords, by referring to the opinions of the seven judges, and which opinions that House had repudiated, and it was to prevent an incorrect impression being made upon the House and the country as to the effect of these Judges' opinions, as giving any credit to the judgment of the Irish judges, that he wished to say a few words. The conduct of the Government would derive any thing but credit with the country from the attempt to use those opinions; the country would be astonished that it should have been sought to support the unlawful judgment they had obtained by the authority of those opinions; and even those opinions themselves would excite no little surprise in the profession and the country when correctly understood. A motion was made in the Court of Queen's Bench, in Ireland, to arrest the judgment upon the indictment, consisting of several counts, each count being, in contemplation of law, a separate indictment, and containing a separate and distinct charge, and no one count receiving any effect whatever from any other count which may be inserted with it in the same indictment. It was contended, both in the Court below and in the House of Lords, that each and every one of the counts were bad in point of law, because, in truth, although they alleged certain facts with criminatory epithets attached to them, yet the matter set forth did not constitute any crime or offence against the law. The Court of Queen's Bench held that it was less necessary to examine minutely the other counts in the indictment, because it was quite clear that the sixth and seventh counts of the indictment were perfectly valid and free from all possible objection, and accordingly gave judgment expressly and in terms upon those two counts with the others, and afterwards passed sentence, referring in the sentence to the matter in those two counts as ingredients in the punishment. This was a notorious fact, printed in the law books and in the newspapers, and was, or might have been, well known to all the English Judges, and, above all, to the Lord Chancellor and the law officers of the Crown. The judgment was accordingly entered by the Court upon all the counts upon the record, and that record was sent to the House of Lords upon the writ of error. It is the value of every record that it truly states what has been in the case—it is the only evidence which the law will receive as to what has so been done; it is considered and treated as absolute verity; no evidence, however cogent, can be received to contradict it, and a Court and Jury, while it exists as a record, must give effect to it as true in every particular. It is called an estoppet, because the parties are estopped or precluded from controverting it. The record or an authentic transcript of it is sent to every Court of Appeal to which a writ of error lies, as the only information which that Court can receive of what judgment has been pronounced in the Court below, and it is conclusive upon all matters appearing therein; for this reason it is that records are referred to as the authentic history of the law; and all text writers before and since Lord Coke, without exception, teach the student to refer to records and pleadings, from which to learn the correct law; and, until this case, it was never heard of that a judgment entered upon the entire declaration or indictment was not conclusively deemed to have been so pronounced, and to show that the Court had held each count to be good. That the two counts especially relied upon by the Irish judges as the best—as the most free from objection, and such as they might safely give judgment upon—the nine English Judges, and all the Law Lords, except Lord Brougham, unanimously held were utterly bad and void—that they did not state any matter which amounted to a crime in law, and that no judgment given upon them could be supported; but the English

Judges, except Lord Denman, boldly recommended the House of Lords not to act upon the record, but, although the record stated that the judgment had been pronounced upon all the counts, yet to presume that the Irish Court of Queen's Bench had held the two counts six and seven to be bad, and had not given any judgment at all upon them, whether they were good or bad, but had only given judgment and passed sentence upon the other counts in the indictment, exclusive of the 6th and 7th. Upon what ground this new course and practice was to be justified was not stated, nor was a word said as to the effect of such a course in point of justice in the particular case, or the effect of it upon records in general, thus entirely destroying their value as evidence of what had been done in the Court below in any case in which a writ of error was brought, nor as to its clear effect in destroying the value and effect of a writ of error, and of the appellate jurisdiction of the House of Lords. If the record ceased to be evidence of the judgment which had been given, there being no other means of judicially ascertaining the fact, nor of the effect of embarrassing the defence of a man who should be indicted a second time for the same offence, of which he had before either been acquitted, or been convicted and suffered punishment, of which the record ought to be the simple, clear, and decisive evidence; but the Judges thus asked the House to presume, contrary to the fact, that no judgment had been pronounced upon these two counts. I ask, has this opinion of the English Judges the effect of giving any credit to the judgment of the Court of Queen's Bench in Ireland? On the contrary, the counts held good by the four Irish Judges were held, beyond all doubt, bad by nine English Judges unanimously, and by the Lord Chancellor, and Lords Denman, Cottenham, and Campbell; and the English Judges did not mend the matter, by asking the House to presume a second blunder upon the part of the Irish Judges—that they had misentered their judgment, by entering it upon all the counts, when in truth they only gave the judgment upon part. The English Judges, therefore, are a decisive authority that the judgment actually given by the Irish Judges was an utterly bad and void judgment; and this is what the right hon. Baronet says shows that seven English Judges said the proceedings were according to law; and he makes it out from the fact that the English Judges, to deprive the traversers of their legal remedy against the consequence of this misjudgment of the Irish Judges, by asking the House to treat the judgment as having been given directly contrary to what in fact it was given; and thus, by substituting a judgment never given for one that was in truth given, prove the proceeding to be according to law. But what is to be said to the Government, who knew the Irish Attorney General having prayed judgment upon these two counts, and having heard the Court expressly give judgment upon these two counts especially, and who knew the traversers were suffering imprisonment imposed in respect of these two counts, seeking to retain their judgment, and to keep the traversers in prison upon the known false ground that no judgment had been given upon them; and the Lord Chancellor of England actually prays an affirmance of the judgment, which is to keep the traversers in gaol, upon this ground, knowing to an absolute certainty that the judgment had, in truth, been contrary to the presumption upon which he prayed the House to affirm the judgment.

Prorogation of Parliament.] Sir *Thomas Wilde* was proceeding, when the Usher of the Black Rod summoned the House to the Peers. The Speaker immediately left the Chair, and was followed to the House of Lords by all the Members present, when a Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor: after which a Commission was read for proroguing the Parliament until Thursday the 10th day of October next; and the Parliament was prorogued accordingly.

APPENDIX.

APPENDIX.

SPEECH OF THE RIGHT HONOURABLE LORD DENMAN ON THE "LAW OF LIBEL," JULY 5, 1844.

Lord *Denman* thought, that such an important alteration in the law as was proposed in the Bill now before their Lordships, should not have been brought forward without further consideration. His noble and learned Friend who had introduced the Bill, had said that the matter had been under consideration of a Committee of their Lordships for two years. Now, what were the facts of the case? At an early period of the last Session, his noble and learned Friend introduced a measure for the alteration of the law of libel; but subsequently, a Committee was appointed to inquire into the law of defamation and libel, which, at a subsequent part of the Session, presented a Report, with evidence. The Bill of his noble and learned Friend was then sent to a Committee up stairs, where it received much consideration, and it was returned to the House after much more examination than had been bestowed upon the present Bill.

Lord *Brougham* observed that the whole question of the law of defamation and libel was under the consideration of the Committee.

Lord *Denman* said, that no doubt the general question of the law of defamation and libel was sent to the Committee, but that part of the subject affecting seditious publications had not been particularly gone into.

Lord *Brougham* remarked that this was embraced in the general question.

Lord *Denman* denied that this was the fact, for he had very recently read the evidence, and what was of more consequence, the Report; in the latter, at least, he could find nothing of the kind. They had, indeed, been told that this was a corrollary to the measure of last year. The fact, however, was, that the offence of sedition or seditious libel was a specific offence. His noble and learned Friend appeared to confine his view of the law of libel to one single branch of it, and that of the least importance, namely, to that which was called sedition some forty or fifty years ago, when every public journal was at the mercy of the Attorney General—and for any publication in which the conduct or the measures of the Government for the time being were discussed with any degree of freedom; venders, editors, printers, proprietors, all were subjected to severe penalties as seditious libellers. Thank God! these times have gone by: Mr. Fox's Bill passed, fair discussion was encouraged, and became habitual; and now no Attorney General would be stupid enough to bring before a jury such cases as were previously constantly sent to them, and no Judge would charge a Jury, as was formerly done in such cases, or if he did, he would only lose his credit with the Jury, and the verdict too. There was a remarkable case illustrative of this which occurred a few years after the passing of Mr. Fox's Bill. The case he alluded to occurred in 1810, and was a trial for a libel upon His Majesty George III. inserted in the *Morning Chronicle* newspaper. On that occasion, Mr. Lambert and Mr. Perry were charged with reflecting on the Government of George III., with respect to Ireland. The alleged libel was, "What a crowd of blessings rush upon one's mind that might be bestowed upon the country, in the event of a total change of system. Of all monarchs, indeed, since the Revolution, the successor of George III., will have the finest opportunity of becoming nobly popular." Mr. Perry, who defended himself, claimed the right of free discussion on the administration of public affairs, and on the conduct of public men engaged in them, and maintained that he was perfectly justified in thus alluding to the conduct of even the Sovereign. Lord Ellenborough, on that occasion, fully admitted the right to the discussion of the measures of the Government of the Sovereign, and almost directed an acquittal on this principle. The example set in that case had been almost uniformly followed since that time. He thought, therefore, that in such proceedings in a case of libel, when a statement was true, and even if it were not strictly borne out by facts, when it was made *bonâ fide*—for a public writer could not be expected to know everything that occurred connected with a public event—that a Jury would not now find a party guilty. But he would ask his noble and learned Friend whether the crime of sedition was not a distinct crime of itself, not necessarily connected with libel. When the country was excited in the extreme, and almost up in arms against the Government and the law, and the public peace in continual danger, if the country was in this state of excitement produced and kept up by seditious publications, and these were made the subjects of this prosecution, could this Bill of his noble and learned Friend be a wise or even a rational system? Suppose any man chose to raise insurrections and attacked in an inflammatory manner, at such a season, the noble Duke and his Colleagues, in the Government, and he was brought into a court of law to answer for his conduct, suppose the proof clear and the malignant character of the libel undeniable—if this Bill should pass—the offender would take up a new position; he would, by his office, have purchased the privilege of preferring charges against others, and would delay the decision against himself, till he had called witnesses to the truth of all his charges, he would be able to say, that before he should meet the charge of libel which had almost excited the people to rebellion, he had a right to subpœna witnesses to inquire into the character of any one of the Ministers; and who would have to pay these witnesses—for such a man was not very likely to be able to do so? And thus the whole proceedings in the charge against him would be stopped, while the administration of the law was the only preservation for the whole country against a civil war. This was not an improbable state of things, and was it one which should be encouraged? However, in proceedings in libel cases, was there no consideration whatever to be had for the prosecutor? Would the Legislature allow a libeller from sordid or vindictive motives to harrass a man perpetually with accusations, even if known and proved to be true? Was it to be borne, that because a man some years ago had been found guilty of a misdemeanor, he might be assailed for it for ever, and the whole of his life rendered miserable by such attacks? If the liberty of the press was thus to be maintained, they would find, as was observed by Dr. Franklin, that men would resort to "the liberty of the cudgel." If such a state of things was to be allowed, men would resort to those means of defence from such attacks as God had given them, and the want of needful protection from the law would produce deeds of violence as lawless as the slander. His noble and learned Friend (Lord Brougham) had said, that in the present state of the law, by which the truth of a libel could not be received in evidence, the counsel for the libeller had an advantage from the assumption that the charge in the libel was true, but that he was not allowed to prove it. His noble and learned Friend must certainly have rather an odd opinion of Juries, when he supposed that they would be influenced in favour of a defence, in a case where *ex hypotheir* the facts alleged in the libel are notoriously false, merely because counsel were to say that he could prove them to be true if he had the opportunity. But if this fallacy were removed by the present Bill, did their Lordships think that the same ingenuity would not find another of equal potency? He must also own that the argument of his noble and learned Friend (Lord Campbell), with respect to the extent of the provisions of the Bill of last year, instead of recommending the measure now proposed, made him very much doubt the propriety of having extended the law as far as they then did. If the provisions of that Bill were to be carried to the extent assumed by his noble and learned Friend, it was very doubtful to him whether the Legislature had not gone much farther than it was aware of. His noble and learned Friend said that the Bill had done much to improve the character of the press, and above all as regarded the conduct of those who were tainted as habitual libellers. He believed this to be the truth, but when his noble and learned Friend boasted of great and manifest benefits as having resulted from his Bill, he (Lord Campbell) had not the sanction of time to justify the assertion. It should be remembered that the proceedings in nearly all the cases of libel which had been taken recently had been under the old law. He would advert to some. It must be in the knowledge of the House, that a series of libels, of the most abominable and scandalous description had been published on the character of a Foreign Prince, residing in this country, and of which parties had recently been convicted. He asked, now, whether it was decent and to be tolerated, that this paper, week after week outraging decency, and calumniating, in gross and hateful terms, an illustrious person; that the libeller should be allowed, when brought into Court ,to say, "Oh, I shall call my witnesses. I am able to show that that illustrious person has been guilty of the hateful crimes imputed to him." Were such great advantages to be extended to the libeller, and impediments to be thrown in the course of the person libelled? With respect to what had been said as to the readiness of parties libelled to give evidence and aid to the Attorney-General to prosecute the libeller, it might happen, on a change of Government, that an Attorney General might not be eager to carry on a prosecution commenced by his predecessor for an attack on the former Government, and that the party libelled might not think his reputation very safe in the hands of a political opponent. He would refer to a case often cited which had already been mentioned that evening, namely, the proceedings instituted by Sir Arthur Piggott, when Attorney General, against a paper which had been connected in some way with the previous Government, for a libel on the then Board of Admiralty. On that occasion Sir Arthur Piggott filed an *ex officio* information against this newspaper, but the Attorney General of the succeeding Government did not think it proper to go on with the proceedings, and was charged with partiality in protecting the editor. He took the liberty of thinking that Sir Arthur Piggott did wrong in filing an *ex officio* information, for he might have taken another course, namely, by moving the Court for a criminal information, which must have been founded on affidavits, stating the falsehood of the alleged facts. If Sir Arthur Piggott had come into Court with direct affidavits, showing that the matter charged in the libel was altogether false, his belief was, that the case would have been proceeded with, and the parties found guilty. He could not forbear from alluding to the opinion on the subject which his noble and learned Friend had stated, was entertained by a predecessor of his (Lord Denman)—whose memory he must ever regard with the greatest respect—he alluded to Chief Justice Holt. His noble and learned Friend had stated, that that eminent and learned Judge had admitted evidence as to the truth of a libel. He believed his noble and learned Friend alluded to the case of the prosecution of Fuller, at the instigation of the House of Lords, and which was published in the State Trials:—but that was for cheat and imposture.

Lord *Campbell* observed, that if his noble and learned Friend would refer to the case, he would find that Fuller was prosecuted for a libel.

Lord *Denman* said, that the book was open in his hand, the direct charge against Fuller was, that he was a cheat and impostor. In the course of the trial, he was repeatedly designated a cheat and impostor, and was charged with endeavouring to get and obtain money fraudulently and deceitfully from the King by means of false allegations. Chief Justice Holt asked him,

> "Have you any counsel? Fuller: No, my Lord, I have none. I have no money to procure counsel. I have put my thought in writing, and I beg leave to read it. Chief Justice Holt: but you must speak to the purpose, what do you say concerning the publishing these books? Fuller: That is what I have to offer. Chief Justice Holt: Can you make it appear that they are true? Fuller: my Lord, I hope I shall. Chief Justice Holt: Have you any witnesses? Fuller: I have none here at present; but if your Lordship will please to hear the terms upon which the witnesses would have come in, I can produce them. If your Lordship will grant your warrant for Jones, I will forfeit my life if he appear not. Chief Justice Holt: You might have had subpœnas for your witnesses against this day."

This, he presumed, was what his noble and learned Friend alluded to as to Chief Justice Holt admitting the proof of the truth of a libel; but the proceedings in this case was against Fuller for being a cheat and impostor, and for endeavouring to extort money, and he was afforded the opportunity to disprove this charge. The record stated that the prisoner had sought "*falso et illicite deludere, decipere et defraudare.*" He did not believe that Chief Justice Holt entertained the opinion imputed to him by his noble and learned Friend on the subject of prosecutions for libel, for some of the decisions of that learned Judge in cases of libel, showed that he, with the other Judges of that age, took a very narrow view of it, as in the case of the King *v.* Bere, where a person was proceeded against for merely having in his possession some libellous matter. This was in 1692, and the learned Judge took it as handed down from his predecessors, that the truth or falsehood of the matter made no difference, for all that the Jury had to consider was, the probability of its tending to the disturbance of the public peace. Such was the doctrine of Lord Coke, and of all the English Judges. He believed that the first case in which the truth or falsehood of a libel was allowed to be canvassed, even in a civil action was that of Underwood *v.* Parkes, reported in Strange, and which occurred about 100 years ago, when the truth was allowed to be pleaded in justification. That principle has since been acted upon, and there is some reason for it, since it rendered men cautious of bringing an action for a libel on his character, whose character would not bear the strictest investigation. His noble and learned Friend, when he brought in his Bill last year, drew a broad distinction as to the pooof of the truth of a libel, between a person who had maliciously, and those who might have acted from better motives repudiating the notion, that because a libel was true, parties might be enabled for years to persecute an individual by its constant repetition. He again must complain that this great change was proposed to be introduced without sufficient consideration. No doubt there had been a Committee up stairs on this Bill, not for the purpose of deliberating on the propriety of such a measure, but it was after the first reading in order rather to put the Bill into a proper form if it should be approved, than to consider the important principles involved in it. His noble and learned Friend had asked the opinion of the Judges on this Bill, and he (Lord Denman) happened to know that many of the Judges had given their opinion on it, and he believed that there was not one of them who did not agree as to the impropriety of this Bill, and no doubt those learned persons had given good reasons for withholding their approval. These opinions and reasons his learned Friend who called for them had not thought proper to produce. It had been said that the Judges were opposed to reforms of the law; this certainly could not be said of the present judicial personages, who had always evinced a ready desire to accept of anything that really could be regarded as a beneficial reform. The present Bill (he must further remark) omitted a provision of the former, which he certainly should have thought most material to introduce—namely, as to the interest which the public might have in ascertaining the truth of facts published in seditious libels. With regard to attacks on private character—in the first place, under last years' Act the party was at liberty to prove the truth by such evidence as he could bring; but in the second place, it must be shown that the disclosure of that particular fact was a public benefit. He certainly thought as to a public libel, that the second consideration was more indispensable, than as to a private libel. Another omission of an extraordinary character had been pointed out in this Bill—namely, the omission of the name of the Sovereign. As it originally stood, the personal conduct, character, and feelings of the Sovereign, might have been exposed to the canvassing of a public court of justice. This omission was observed by one of the learned Judges, and in consequence his noble and learned Friend had corrected the inadvertency. But is it fit that the nearest relations and dearest connections of the Sovereign might be attacked, and every person who uttered a seditious libel be at liberty to call from the interior of the palace, witnesses to prove in general terms of invective which he had thought proper to utter—or to reiterate by the mouth of witnesses the general terms in which he had written. Supposing that to be done with reference to the character of those who were nearest to the Sovereign, was it possible that they could be brought into a court of justice without the Sovereign being implicated? He thought that would be a result much to be deplored. He felt extremely unwilling to say that the truth of what was called a libel might not and ought not under certain circumstances, to be given in evidence, in mitigation of punishment that might be inflicted, but he thought the particular modes and occasions in which it ought to be allowed should have been much more fully considered and defined, and it should not have been left to the option of the guilty individual, to call into question the character of any one of his fellow subjects, merely because he himself had committed the crime of libelling another with seditious purposes. In his evidence before the Committee he had expressed his doubts whether the truth ought in any case to be a justification, unless the party publishing it was called by some duty so to do. But in respect to seditious libel, those doubts were greatly increased, and though willing to consider the question, he saw no safe line at present that could be drawn.

LIST OF THE CONTENTS TO THE SECOND READING OF THE SAINT ASAPH & BANGOR DIOCESES BILL, IN THE HOUSE OF LORDS, ON TUESDAY, JUNE 11*th* 1844.—(*See VOL.* LXXV., p. 521.)

DUKES.
Manchester
Cleveland
Montrose.

EARLS.
Devon
Winchilsea
Sandwich
Home
Galloway
Kinnoul
Dartmouth
Courtown
Lucan
Powis
Harrowby
Brownlow
Beauchamp
Glengall
Eldon
Somers.

MARQUESS.
Camden

VISCOUNTS.
Hereford
Strangford
Gore
Lorton
Combermere.

BISHOPS.
Durham
Winchester
Bangor
Rochester
Exeter
Ripon
Salisbury
St. David's
Killaloe
Lichfield.

LORDS.
Willoughby de Broke
Colville
Sondes
Boston
Rodney
Berwick
Kenyon
Lyttelton
Bayning
Bolton
Colchester
Delamere
Feversham
Wenlock.

ERRATA.

VOL. LXXV. p. 110, in the Division List on Mr. P. Borthwick's Amendment to House going into Committee on the Ecclesiastical Courts Bill, *for* Ayes 62, Noes 25, *read* Ayes 25, Noes 62.

VOL. LXXVI. p. 295, Lord Wharncliffe is made to move the *amended* instead of the *original* Instruction—see the Debate.

p. 448, for CHARITABLE TRUSTS BILL, *read* CHARITABLE DONATIONS and BEQUESTS for ROMAN CATHOLIC MINISTERS.

p. 692, for ACTIONS FOR GAMING DISCONTINUANCE (No. 2), *read* COMMITTEE UPON GAMING.

p. 828, line 19, *for* Colchester, *read* Chichester.

p. 874, line 6 from bottom, and 875, line 2, *for* 31*st* of June, *read* 30*th* of June.

p. 1666, line 8 from bottom, *for* Dillon B. *read* Browne, D.

p. 1839, line 22 from bottom, *for* 2nd Clause, *read* 3rd Clause.

LIST OF ACTS.

A
TABLE
OF
All the STATUTES passed in the FOURTH Session of the FOURTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

7° & 8° VICT.

PUBLIC GENERAL ACTS.

I. AN Act to enlarge the Powers of an Act of the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners of Her Majesty's Woods to raise Money for certain Improvements in the Metropolis, on the Security of the Land Revenues of the Crown within the County of *Middlesex* and City of *London.*

II. An Act for the more speedy Trial of Offences committed on the High Seas.

III. An Act to stay Proceedings for Three Calendar Months, and till the End of the present Session of Parliament, in certain Actions under the Provisions of several Statutes for the Prevention of Excessive Gaming, and to prevent any Proceedings being taken under those Statutes during such limited Time.

IV. An Act for transferring Three Pounds Ten Shillings *per Centum per Annum* Annuities One thousand eight hundred and eighteen into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities.

V. An Act for transferring certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* and Government Debentures into Annuities of Three Pounds Five Shillings *per Centum per Annum* and New Three Pounds *per Centum per Annum* Annuities.

VI. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-four.

VII. An Act to indemnify Witnesses who may give Evidence during this Session before either House of Parliament touching Gaming Transactions.

VIII. An Act to facilitate the Recovery, by summary Process, of small Sums due to the Teachers of Schools in *Ireland.*

IX. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

X. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and forty-five.

XI. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

XII. An Act to amend the Law relating to International Copyright.

XIII. An Act to extend until the First Day of *January* One thousand eight hundred and forty-five, and to the End of the then next Session of Parliament, the Time within which Conveyances may be made on behalf of the Crown of, and Disputes settled with regard to, Encroachments in the Forest of *Dean.*

XIV. An Act for raising the Sum of Eighteen millions four hundred and seven thousand three hundred Pounds by Exchequer Bills for the Service of the Year One thousand eight hundred and forty-four.

XV. An Act to amend the Laws relating to Labour in Factories.

XVI. An Act to amend the Laws relating to the Customs.

XVII. An Act for giving additional Powers to the Commissioners for the Relief of certain of Her Majesty's Colonies and Plantations in the *West Indies.*

XVIII. An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies.*

XIX. An Act for regulating the Bailiffs of Inferior Courts.

XX. An Act to amend an Act of the First and Second Years of Her present Majesty, for securing the Debt due by the City of *Edinburgh* to the public.

XXI. An Act to reduce the Stamp Duties on Policies of Sea Insurance and on certain other Instruments, and to repeal the Duties on certain Bonds, and the Law requiring Public Notaries in *Ireland* to deliver Accounts of Bills and Notes noted by them.

XXII. An Act to amend the Laws now in force for preventing Frauds and Abuses in the marking of Gold and Silver Wares in *England.*

XXIII. An Act to continue for Five Years an Act of the Second and Third Years of Her present Majesty, for the better Prevention and Punishment of Assaults in *Ireland*.

XXIV. An Act for abolishing the Offences of forestalling, regrating, and engrossing, and for repealing certain Statutes passed in restraint of Trade.

XXV. An Act to repeal the Duty of Excise on Vinegar, and to make the Duties and Drawbacks now payable on Flint Glass the same as on Bottle Glass.

XXVI. An Act for authorizing Her Majesty to carry into immediate Execution, by Orders in Council, any Treaties for the Suppression of the Slave Trade.

XXVII. An Act to explain and amend an Act of the last Session of Parliament, intituled *An Act for extending to* Ireland *the Provisions not already in force there of an Act of the Third and Fourth Years of the Reign of the late King* William *the Fourth, intituled 'An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto;' and to explain and amend the said Act.*

XXVIII. An Act for granting to Her Majesty, until the Fifth Day of *July* One thousand eight hundred and forty-five, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and forty-four.

XXIX. An Act to extend an Act of the Ninth Year of King *George* the Fourth, for the more effectual Prevention of Persons going armed by Night for the Destruction of Game.

XXX. An Act to alter and amend an Act of the Fifty-third Year of King *George* the Third, for the Appointment of a Stipendiary Magistrate to act within the Townships of *Manchester* and *Salford*.

XXXI. An Act for the warehousing of Foreign Goods for Home Consumption at the Borough of *Manchester* in the County of *Lancaster*.

XXXII. An Act to regulate the Issue of Bank Notes, and for giving to the Governor and Company of the Bank of *England* certain Privileges for a limited Period.

XXXIII. An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties.

XXXIV. An Act to amend and continue until the First Day of *September* One thousand eight hundred and sixty-one, and to the End of the then next Session of Parliament, the Law with respect to Prisons and Prison Discipline in *Scotland*.

XXXV. An Act to suspend until the Thirty-first Day of *August* One thousand eight hundred and forty-five the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

XXXVI. An Act to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*.

XXXVII. An Act to secure the Terms on which Grants are made by Her Majesty out of the Parliamentary Grant for the Education of the Poor; and to explain the Act of the Fifth Year of the Reign of Her present Majesty, for the Conveyance of Sites for Schools.

XXXVIII. An Act to amend an Act of the last Session, to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in *Ireland*.

XXXIX. An Act to exempt from the Payment of Property Tax the Dividends on certain Annuities of Three Pounds Ten Shillings *per Centum per Annum* payable for the Quarter of the Year ending the Tenth Day of *October* One thousand eight hundred and forty-four.

XL. An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages, from Liability to be rated as such, in respect of Stock in Trade or other Property, to the Relief of the Poor.

XLI. An act to continue until the First Day of *August* One thousand eight hundred and forty-five, and to the end of the then Session of Parliament; certain Turnpike Acts.

XLII. An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, Two Acts relating to the Removal of poor Persons born in *Scotland* and *Ireland*, and chargeable to Parishes in *England*.

XLIII. An Act to amend the Laws relating to the Customs in the *Isle of Man*.

XLIV. An Act to facilitate the disjoining or dividing of extensive or populous Parishes, and the erecting of new Parishes, in that Part of the United Kingdom called *Scotland*.

XLV. An Act for the Regulation of Suits relating to Meeting Houses and other Property held for religious Purposes by Persons dissenting from the United Church of *England* and *Ireland*.

XLVI. An Act to continue, until the Fifth Day of *April* One thousand eight hundred and forty-six, Compositions for Assessed Taxes; and to amend certain Laws relating to Duties under the Management of the Commissioners of Stamps and Taxes.

XLVII. An Act to amend and continue for Five Years, and to the End of the next Session of Parliament, certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

XLVIII. An Act to repeal certain Acts for regulating the Trade in Butter and Cheese.

XLIX. An Act for the better Regulation of Colonial Posts.

L. An Act to extend the Powers of the Act for encouraging the Establishment of District Courts and Prisons.

LI. An Act to continue, until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and forty-six, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

LII. An Act to extend the Powers of the Act for the Appointment and Payment of Parish Constables.

LIII. An Act for Disfranchisement of the Borough of *Sudbury*.

LIV. An Act to continue until the First Day of *October* One thousand eight hundred and forty-five, and to the End of the then Session of Parliament, the Act to amend the Laws relating to Loan Societies.

LV. An Act to amend and explain the Acts for the Commutation of certain Manorial Rights in respect of Lands of Copyhold and Customary Tenure, and in respect of other Lands subject to such Rights; and for facilitating the Enfranchisement of such Lands, and for the Improvement of such Tenure.

LVI. An Act concerning Banns and Marriages in certain District Churches or Chapels.

LVII. An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-six, and to the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

LVIII. An Act further to stay, until the End of the next Session of Parliament, Proceedings in certain Actions under the Provisions of several Statutes for the Prevention of excessive Gaming; and to prevent any similar Proceedings being taken under those Statutes during such further limited Time.

LIX. An Act for better regulating the Offices of Lecturers and Parish Clerks.

LX. An Act to provide for the Care and Preservation of *Trafalgar Square* in the City of *Westminster*.

LXI. An Act to annex detached Parts of Counties to the Counties in which they are situated.

LXII. An Act to amend the Law as to burning Farm Buildings.

LXIII. An Act to continue until the First Day of *June* One thousand eight hundred and forty-five an Act of the Second and Third Years of His late Majesty, for restraining for Five Years, in certain Cases, Party Processions in *Ireland*.

LXIV. An Act to provide for paying off such of the Three Pounds Ten Shillings *per Centum* Annuities and Government Debentures which are to be paid off under Two Acts passed in the present Session of Parliament.

LXV. An Act to enable the Council of His Royal Highness *Albert Edward* Prince of *Wales* to sell and exchange Lands and enfranchise Copyholds, Parcel of the Possessions of the Duchy of *Cornwall*, to purchase other Lands; and for other Purposes.

LXVI. An Act to amend the Laws relating to Aliens.

LXVII. An Act to transfer the Collection of the Duty on Licenses to let Horses for Hire in *Ireland* from the Commissioners of Stamps to the Commissioners of Excise.

LXVIII. An Act to suspend, until the Thirty-first Day of *December* One thousand eight hundred and forty-seven, the Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtainining Returns from and the Inspection of the Registries of such Jurisdictions.

LXIX. An Act for amending an Act passed in the Fourth Year of the Reign of His late Majesty, intituled *An Act for the better Administration of Justice in His Majesty's Privy Council;* and to extend its Jurisdiction and Powers.

LXX. An Act for facilitating Arrangements between Debtors and Creditors.

LXXI. An Act for the better Administration of Criminal Justice in *Middlesex*.

LXXII. An Act to clear up Doubts as to the Regulation and Audit of the Accounts of the Customs in *New South Wales*.

LXXIII. An Act to reduce, under certain Circumstances, the Duties payable upon Books and Engravings.

LXXIV. An Act to explain and amend the Act for the Government of *New South Wales* and *Van Diemen's Land*.

LXXV. An Act to defray until the First Day of *August* One thousand eight hundred and forty-five the Charge of the Pay, Clothing, and contingent and other Expences of the disembodied Militia in *Great Britain and Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

LXXVI. An Act to simplify the Transfer of Property.

LXXVII. An Act to amend so much of an Act of the Fifth and Sixth Years of His late Majesty as relates to the Salary of the Clerk of the Crown in Chancery; and to make other Provisions in respect of the said Office.

LXXVIII. An Act to continue for One Year an Act of the Second and Third Years of Her present Majesty, intituled *An Act to extend and render more effectual for Five Years an Act passed in the Fourth Year of His late Majesty* George *the Fourth, to amend an Act passed in the Fiftieth Year of His Majesty* George *the Third, for preventing the administering and taking unlawful Oaths in* Ireland.

LXXIX. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

LXXX. An Act for completing the Guarantee Fund of the *South Sea* Company, for advancing for the Public Service Part of the unclaimed Stock and Dividends in the Hands of the said Company, and for regulating the Allowance to be paid for the Management of the *South Sea* Stock and Annuities.

LXXXI. An Act for Marriages in *Ireland;* and for registering such Marriages.

LXXXII. An Act to continue for Five Years so much of an Act of the Second and Third Years of Her present Majesty, as enables Justices to grant Warrants for entering Places in which Spirits are sold without License in *Ireland*.

LXXXIII. An Act to amend the Laws relating to Savings Banks, and to the Purchase of Government Annuities through the Medium of Savings Banks.

LXXXIV. An Act for regulating the Construction and the Use of Buildings in the Metropolis and its Neighbourhood.

LXXXV. An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways.

LXXXVI. An Act for the Relief of Clerks to Attornies and Solicitors who have omitted to enrol their Contracts; and for amending the Law relating to the Enrolment of such Contracts, and to the Disabilities of such Clerks, in certain Cases.

LXXXVII. An Act to amend the Law for regulating Places kept for slaughtering Horses.

LXXXVIII. An Act to widen and improve *Piccadilly* in the City of *Westminster*.

LXXXIX. An Act for auditing the Accounts of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

XC. An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in *Ireland*; and for amending the Laws in *Ireland* respecting Bankrupts and the Limitation of Actions.

XCI. An Act to consolidate and amend the Laws relating to Turnpike Trusts in *South Wales*.

XCII. An Act to amend the Law respecting the Office of County Coroner.

XCIII. An Act to enable Barristers appointed to arbitrate between Counties and Boroughs to submit a Special Case to the Superior Courts.

XCIV. An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes.

XCV. An Act to amend an Act of the Ninth Year of King *George* the Fourth, for the Preservation of the Salmon Fisheries in *Scotland*.

XCVI. An Act to amend the Law of Insolvency, Bankruptcy, and Execution.

XCVII. An Act for the more effectual Application of Charitable Donations and Bequests in *Ireland*.

XCVIII. An Act to enable the Commissioners of Public Works in *Ireland* to accept a certain Sum of Money in satisfaction of their Mortgage on the Branch Canals, communicating with the Grand Canal in *Ireland*.

XCIX. An Act to extend the Time limited by an Act passed in the Fourth and Fifth Years of Her present Majesty, empowering the Commissioners for the Issue of Exchequer Bills for Public Works to complete the Works for improving the Navigation and Harbour of *Tralee* in the County of *Kerry*.

C. An Act to supply an Omission in an Act of the Sixth and Seventh Years of Her present Majesty, for amending and continuing the Laws in *Ireland* relative to the registering of Arms, and the Importation, Manufacture, and Sale of Arms, Gunpowder, and Ammunition.

CI. An Act for the further Amendment of the Laws relating to the Poor in *England*.

CII. An Act to repeal certain Penal Enactments made against Her Majesty's Roman Catholic Subjects.

CIII. An Act to amend the Law for the Trial of controverted Elections of Members to serve in Parliament.

CIV. An Act to apply a Sum out of the Consolidated Fund and certain other Sums to the Service of the Year One thousand eight hundred and forty-four, and to appropriate the Supplies granted in this Session of Parliament.

CV. An Act to confirm and enfranchise the Estates of the Conventionary Tenants of the ancient Assessionable Manors of the Duchy of *Cornwall*, and to quiet Titles within the County of *Cornwall* as against the Duchy; and for other Purposes.

CVI. An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*.

CVII. An Act to regulate and reduce the Expences of the Offices attached to the Superior Courts of Law in *Ireland* payable out of the Consolidated Fund.

CVIII. An Act to amend an Act of the Sixth Year of Her present Majesty, intituled *An Act to regulate the* Irish *Fisheries*; and to empower the Constabulary Force to enforce certain Provisions respecting the *Irish* Fisheries.

CIX. An Act to indemnify Persons connected with Art Unions, and others, against certain Penalties.

CX. An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.

CXI. An Act for facilitating the winding up the Affairs of Joint Stock Companies unable to meet their pecuniary Engagements.

CXII. An Act to amend and consolidate the Laws relating to Merchant Seamen; and for keeping a Register of Seamen.

CXIII. An Act to regulate Joint Stock Banks in *England*.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC

AND TO BE JUDICIALLY NOTICED.

i. AN Act to enable the *Ribble* Navigation Company to raise a further Sum of Money; and to enable the Owners of reclaimed Lands to pay a Sum in gross in lieu of the annual Rents.

ii. An Act to effectuate the Sale by the *Bolton and Preston* Railway Company of their Railway and other Property and Effects to the *North Union* Railway Company; to incorporate with such last-mentioned Company the Proprietors of the *Bolton and Preston* Railway; and to consolidate Shares into Stock.

iii. An Act to amend the several Acts relating to the *Great Western*, the *Cheltenham and Great Western Union*, and *Oxford* Railways; to amalgamate the Two last-mentioned Railways with the *Great Western* Railway; and to authorize the Formation of additional Works at *Cheltenham* by the *Great Western* Railway Company.

iv. An Act to amend and enlarge some of the Provisions of the Act authorizing the Construction of the *Yarmouth and Norwich* Railway, and to authorize the Construction of certain new Works in connexion therewith.

v. An Act for making a Railway from the *London and South-western* Railway to *Guilford* in the County of *Surrey*.

vi. An Act for providing for the Liquidation of the Debt owing by the Charity Workhouse of the City of *Edinburgh*, for regulating the Assessment for Relief of the Poor of the said City, and for other purposes relating thereto.

vii. An Act to amend an Act passed in the Third Year of the Reign of Her present Majesty, for abolishing certain Petty and Market Customs in the City of *Edinburgh*, and granting other Duties in lieu thereof.

viii. An Act for establishing a Market in the Town of *Glossop* in the County of *Derby*.

ix. An Act to amend the Powers and Provisions of an Act of the First Year of King *William* the Fourth, for making the River *Waveney* navigable for Ships and other Seaborne Vessels from *Rosehall Fleet* to the Mouth of *Oulton Dyke*, and for making and maintaining a navigable Cut from the said River into the said Dyke.

x. An Act to alter and extend the Provisions of an Act for improving the Navigation of the River *Severn*.

xi. An Act for enabling the Company of Proprietors of the *Birmingham* Canal Navigation to borrow a further Sum of Money: and to extend and alter some of the Provisions of their present Acts.

xii. An Act for more effectually lighting with Gas the Borough and Parish of *Rochdale* in the County of *Lancaster*.

xiii. An Act to amend and enlarge the Provisions of Two several Acts for lighting with Gas the Town of *Liverpool* and certain places adjacent thereto.

xiv. An Act for regulating legal Proceedings by or against the *Durham* County Coal Company, and for other Purposes.

xv. An Act for making a Railway from *Norwich* to *Brandon*, with a Branch to *Thetford*.

xvi. An Act for maintaining a Railway from the *Manchester and Leeds* Railway to *Heywood*; and for amending the Acts relating to the *Manchester and Leeds* Railway.

xvii. An Act for enabling the *Manchester and Birmingham* Railway Company to vary the Line of their Branch Railway to *Macclesfield*, and to make another Branch therefrom; and for amending the former Acts relating to the said Company.

xviii. An Act to consolidate the *North Midland*, *Midland Counties*, and *Birmingham and Derby Junction* Railways.

xix. An Act to rectify a mistake as to the Proceedings on the *Eastern Counties* Railway Bill and the *Eastern Counties* Railway (*Brandon* and *Peterborough* Extension) Bill.

xx. An Act to authorize the letting on Lease to the *Eastern Counties* Railway Company of the Railways and Works of the *Northern and Eastern* Railway Company, and to give effect to certain arrangements entered into by the said Companies, and to amend and enlarge some of the Provisions of the Acts relating to the first-named Company.

xxi. An Act for vesting the *Leeds and Selby* Railway in the *York and North Midland* Railway Company, and for enabling that Company to raise a further Sum of Money to complete the Purchase of such Railway.

xxii. An Act for making a Railway from *Rampside* and *Barrow* to *Dalton*, *Lindale*, and *Kirkby Ireleth*, in the County Palatine of *Lancaster*, to be called "The *Furness* Railway."

xxiii. An Act to amend an Act for maintaining the Pier and Harbour of *Newquay* in the County of *Cornwall*, and to make certain Tram Roads in connection therewith.

xxiv. An Act for regulating, maintaining, and improving the Port of *Padstow* in the County of *Cornwall*, and the navigable Parts of the River *Camel* or *Allen* in the same County.

xxv. An Act to enable the *South-eastern* Railway Company to make a Railway from the said *South-eastern* Railway near *Ashford* to the City of *Canterbury* and the Towns of *Ramsgate* and *Margate*, and to join the *Canterbury and Whitstable* Railway.

xxvi. An Act for enabling the *Pontop and South Shields* Railway Company to widen a Part of their Railway, and to make a Branch therefrom; and for other Purposes.

xxvii. An Act for authorizing the Sale of the *Durham Junction* Railway to the *Newcastle and Darlington Junction* Railway Company; and for enabling the said Company to make a Station at *Gateshead*, with a Bridge and Approaches, to connect the said last-mentioned Railway with the Town of *Newcastle-upon-Tyne;* and for other Purposes.

xxviii. An Act for making a Harbour and Dock near to *Hartlepool* in the County of *Durham.*

xxix. An Act for dividing, allotting, and inclosing Lands in the Hamlet of *Thetford* in the Parish of *Streatham* in the *Isle of Ely* and County of *Cambridge;* and for draining and embanking certain Parts of the said Lands, and other Lands in the said Hamlet, and in other Parishes in the said Isle and County.

xxx. An Act for granting certain Powers to "The New *British* Iron Company."

xxxi. An Act for enabling the Northern Coal Mining Company to raise Money for paying off existing Debts of the Company.

xxxii. An Act to authorize the Purchase of "*Monk's Ferry*" by the Commissioners for the Improvement of *Birkenhead, Claughton-cum-Grange*, and Parts of *Oxton*, in the County of *Chester*, and for amending of the Act relating to the said Commissioners.

xxxiii. An Act for opening certain Streets and otherwise improving the Town of *Salford;* and for amending an Act passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, for better cleansing and improving the said Town of *Salford* in the County Palatine of *Lancaster.*

xxxiv. An Act for making a Railway from the Town of *Blackburn* to the *North Union* Railway in the Township of *Farrington* near *Preston*, all in the County of *Lancaster.*

xxxv. An Act to enable the *Northern and Eastern* Railway Company to make certain Deviations in the Line of their Railway between *Bishops-Stortford* and *Newport*; and to alter and amend the Acts relating to the said Railway.

xxxvi. An Act to amend the Acts relating to the *Maryport and Carlisle* Railway, and for making certain Extensions and Branches connected therewith.

xxxvii. An Act for making a Railway from the *Lancaster and Preston Junction* Railway at *Lancaster* to or near the City of *Carlisle.*

xxxviii. An Act for extending and amending some of the Powers and Provisions of the Act relating to "The *Leeds* New Gas Company."

xxxix. An Act to enable the *Globe* Insurance Company to alter and amend some of the Provisions of their Deed of Settlement.

xl. An Act for the good Government and Police Regulation of the Borough of *Manchester.*

xli. An Act for the Improvement of the Town of *Manchester.*

xlii. An Act for amending and rendering more effectual an Act for draining and preserving certain Fen Lands and Low Grounds in the Parishes of *Lakenheath* and *Brandon* in the County of *Suffolk.*

xliii. An Act to enable the President, Treasurers, Deputy Treasurers, Benefactors and Subscribers, of and to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum to enlarge the said Infirmary, and to purchase and hold Land for the Erection of a new Lunatic Hospital or Asylum.

xliv. An Act to amend an Act for altering and amending several Acts for the Improvement of the Harbour of *Swansea* in the County of *Glamorgan.*

xlv. An Act for uniting the *Sheffield* Gas Light Companies.

xlvi. An Act to facilitate the Settlement of the affairs of the *British* Iron Company.

xlvii. An Act to enlarge the Powers granted by an Act passed in the Second Session of the Fifth Year of Her present Majesty, intituled *An Act for regulating legal Proceedings by or against the* Cwm Celyn *and* Blaina *Iron Company, and for granting certain Powers thereto.*

xlviii. An Act for regulating legal Proceedings by or against "The *European* Life Assurance and The Annuity Company," and for granting certain Powers thereto.

xlix. An Act for making and maintaining a Turnpike Road from *Sidmouth* to *Collumpton*, and also to or near to *Hele Mill* in the Parish of *Bradninch*, all in the County of *Devon.*

l. An Act to amend Three Acts, for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Counties of *Kent* and *Sussex* draining into the River *Rother* and Channel of *Appledore.*

li. An Act to alter and amend an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, for the better Protection of Property in the Borough of *Liverpool* from Fire.

lii. An Act to explain and amend the Acts incorporating the *British* Society for extending the Fisheries and improving the Sea Coasts of the Kingdom; for enlarging and improving the Harbour of *Pulteney Town* in the County of *Caithness;* and for lighting, cleansing, and improving the said Town, and better supplying the same with Water.

liii. An Act for amending certain Acts for paving, cleansing, and lighting the Streets, and other public Passages and Places within the City and Borough of *Canterbury.*

liv. An Act for improving the Marsh and other Common Lands, and extending Rights of Common and of Recreation, within the Town and County of the Town of *Southampton.*

lv. An Act to amend the several Acts relating to the *Preston and Wyre* Railway, Harbour, and Dock Company.

lvi. An Act for better supplying with Water the Parishes of *Saint Michael* the *Holy Trinity* and *Saint John the Baptist*, in the City of *Coventry* and County of *Warwick.*

lvii. An Act for amending the Provisions of an Act for forming a Canal and other Works within and near certain Lands called the *West Croft* in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham;* and for making certain Improvements within the said Town.

lviii. An Act to authorize an Extension of the *Edinburgh and Glasgow* Railway, and to amend and enlarge the Provisions of the Acts relating to such Railway.

lix. An Act for making a Railway from *Leeds* to *Bradford*, with a Branch to the *North Midland* Railway.

lx. An Act for making a Railway from the *Manchester and Bolton* Railway in the Parish of *Eccles* to the Parish of *Whalley*, all in the County Palatine of *Lancaster*, to be called The *Manchester, Bury, and Rossendale* Railway.

lxi. An Act for enabling the *York and North Midland* Railway Company to make a Railway from *York* to *Scarborough*, with a Branch to *Pickering*.

lxii. An Act to enable the *Eastern Counties* Railway Company to make a Railway from the *Northern and Eastern* Railway at *Newport*, by *Cambridge*, to *Ely*, and from thence Eastward to *Brandon*, and Westward to *Peterborough*.

lxiii. An Act to make a Branch Railway from the *London and South Western* Railway to *Salisbury*.

lxiv. An Act for making a Railway from the Town and Port of *Whitehaven* to the Town and Port of *Maryport* in the County of *Cumberland*.

lxv. An Act for making a Railway from *Chester* to *Holyhead*.

lxvi. An Act for making a Railway from the City of *Edinburgh* to the Town of *Berwick-upon-Tweed*, with a Branch to the Town of *Haddington*.

lxvii. An Act for making a Railway from the *Shoreham* Branch of the *London and Brighton* Railway to *Chichester*.

lxviii. An Act for making a Railway from *Exeter* to *Plymouth*, to be called "The *South Devon* Railway."

lxix. An Act to enable the *South-eastern* Railway Company to complete and maintain a Branch Railway and Approach to the Harbour of *Folkestone*, and to construct other Works in connexion with the said Harbour, and also to effect certain Alterations and Extensions of the Works of the *Maidstone* Branch of the said *South-eastern* Railway; and to amend the Acts relating to the said Company.

lxx. An Act for making a Railway to connect the *Edinburgh and Glasgow* and *Slamannan* Railways.

lxxi. An Act for making a Junction Railway from the *Eastern Counties* Railway at *Stratford* in the County of *Essex* to the River *Thames*, with a Branch Railway therefrom; and for constructing a Pier in the River *Thames*.

lxxii. An Act for repairing, maintaining, and improving the Road from *Flint Lane* to *Holmfrith*, and thence to the *Huddersfield* and *Woodhead* Turnpike Road, and for making and maintaining a new Line of Road from the said Road at a Place called *Bents* to or near *Dunford Bridge*, all in the West Riding of the County of *York*.

lxxiii. An Act for more effectually repairing the Road from *Market Harborough* in the County of *Leicester* to the City of *Coventry*.

lxxiv. An Act for uniting the *York* Gas Light Company and the *York* Union Gas Light Company, and for more effectually lighting with Gas the City of *York* and the Suburbs and Vicinity thereof, in the County of *York*.

lxxv. An Act for paving, lighting, draining, cleansing, and otherwise improving the Town of *Southampton*, and for removing and preventing Nuisances and Annoyances therein.

lxxvi. An Act for enabling the Mayor, Aldermen, and Burgesses of the City of *Coventry* to make certain Improvements, to provide a Residence for the Judges during the Assizes in the said City, and to establish a Cemetery for the Dead near the said City.

lxxvii. An Act for making a Landing Place at or near *Hythe* in the Parish of *Fawley* and extra-parochial Places adjoining thereto in the County of *Southampton*.

lxxviii. An Act for authorizing the *Newport* Dock Company to raise further Monies, and to make Sale of the Docks and Works; and for amending certain Acts relating to the said Dock.

lxxix. An Act for constructing Tidal Basins, a Dock, and other Works at *Birkenhead* in the County of *Chester*; and for other Purposes.

lxxx. An Act for enabling the Trustees of the *Liverpool* Docks to construct additional Wet Docks and other Works, and to raise a further Sum of Money; and for amending and extending the Acts relating to the Docks and Harbour of *Liverpool*.

lxxxi. An Act to alter, explain, revive, and continue the Powers and Provisions of the Acts relating to the *Edinburgh, Leith, and Newhaven* Railway, and to make Two Branch Railways therefrom.

lxxxii. An Act for making a Railway from the *Manchester and Leeds* Railway to the Towns of *Ashton-under-Lyne* and *Stalybridge*.

lxxxiii. An Act to enable the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company to make a Branch Railway to *Ashton-under-Lyne* and *Stalybridge*; and to alter and enlarge the Powers of the said Company.

lxxxiv. An Act to amend the Acts relating to the *Taff Vale* Railway; to authorize the Alteration of certain Works thereby authorized, and the Formation of Additional Works; and to enlarge the Powers of the Company.

lxxxv. An Act for making a Railway from *Colchester* to *Ipswich*.

lxxxvi. An Act to amend the Acts relating to the *London and South-western* Railway, and to authorize an extension of the said Railway and other Works at or near the *Nine Elms* Station.

lxxxvii. An Act to extend the Line of the *Garnkirk and Glasgow* Railway; to enable the Company to raise a further Sum of Money; and to alter and amend the Acts relating to the said Railway.

lxxxviii. An Act for making a Railway from *Mellorn* in the Parish of *Minster* to *Black Rock* in the Parish of *Saint Michael* in *Saint Minver Lowlands* in the County of *Cornwall*.

lxxxix. An Act to remedy certain Defects in the Apportionment of the Rent-charge in lieu of Tithes in the Parish of *Necton* in the County of *Norfolk*.

xc. An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of *Canada*, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the *Gaspé* Fishery and Coal Mining Company.

xci. An Act for making a Railway from the

London and Brighton Railway to *Lewes* and *Hastings*, with a Branch therefrom, all in the County of *Sussex*.

xcii. An Act for making a Railway from the *London and Croydon* Railway at *Croydon* to *Epsom*.

xciii. An Act for improving the Harbour and Quay of *Wells* in the County of *Norfolk;* and for extending and altering some of the Provisions of the Act relating to the said Harbour and Quay.

xciv. An Act for lighting, paving, cleansing, widening, and improving the Streets of the Town or Parish of *Wells* in the County of *Norfolk;* for removing and preventing Nuisances therein; and for making new Streets or Roadways.

xcv. An Act for incorporating the *London* Gas Light Company.

xcvi. An Act for regulating legal Proceedings by or against the Mariners and General Life Assurance Company, and for granting certain Powers to the said Company.

xcvii. An Act to continue and extend the Powers of "The *London and Croydon* Railway Company."

xcviii. An Act to alter, amend, enlarge, and in part repeal the Acts relating to the *Wishaw and Coltness* Railway.

xcix. An Act for making a Railway from the River *Dee* in the County of the City of *Chester* to *Wrexham* in the County of *Denbigh*, to be called "The *North Wales* Mineral Railway."

c. An Act for making and maintaining a Railway from the City of *Dublin* to the Town of *Cashel*, with a Branch to the Town of *Carlow*.

ci. An Act for widening, repairing, and maintaining the Bridge of *Ayr*, commonly called the *New Bridge*, leading across the River of *Ayr* at the Royal Burgh or Town of *Ayr* in the County of *Ayr;* and for other Purposes in relation thereto.

cii. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town and Borough of *Swansea* in the County of *Glamorgan*, and for removing and preventing Nuisances and Annoyances therein.

ciii. An Act for making new Docks, and other Works connected therewith, in addition to the present Docks at *Kingston-upon-Hull;* and for amending the Acts relating to such last-mentioned Docks.

civ. An Act for better lighting, paving, cleansing, watching, regulating, and improving the Town of *Rochdale* and the Environs thereof, in the County Palatine of *Lancaster*.

cv. An Act for better paving, lighting, cleansing, and otherwise improving Part of the Parish of *Newchurch*, in the *Isle of Wight*, called *Ventnor*, and for establishing a Market therein.

cvi. An Act for improving the Drainage and Navigation of the Middle Level of the Fens.

cvii. An Act for the better supplying and lighting with Gas or other illuminating Power Parts of the Abbey Parish of *Paisley*, and certain Towns or Villages and Places adjacent; and for other Purposes relating thereto.

cviii. An Act to authorize the Division of the Parish and Vicarage of *Leeds* in the County of *York* into several Parishes and Vicarages.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for inclosing Lands in the Parish of *Bury* in the County of *Huntingdon*.
2. An Act for inclosing Lands in the Parish of *Ramsey* in the County of *Huntingdon*.
3. An Act to enable the Rector, Churchwardens, and Overseers of the Poor of the Parish of *Bow Brickhill* in the County of *Buckingham* to sell certain Parcels of Land in the said Parish which were allotted to them under the award of the Commissioners made in pursuance of the *Bow Brickhill* and *Fenny Stratford* Inclosure Act, passed in the Thirtieth Year of King *George* the Third.
4. An Act for inclosing Lands in the Parish of *Brandes Burton* in the County of *York*.
5. An Act for inclosing Lands in the Township of *Haltwhistle* in the Parish of *Haltwhistle* in the County of *Northumberland*.
6. An Act for inclosing Lands in the Manors or Lordships of *Farrington* and *Cwmgilla* in the Parish of *Knighton* in the County of *Radnor*.
7. An Act for altering and amending an Act passed in the Third Year of the Reign of Her present Majesty, for inclosing certain Lands in the Town and County of the Town of *Nottingham*.
8. An Act for inclosing Lands in the Parishes of *Bleddfa* and *Llangunllo* in the County of *Radnor*.
9. An Act for enabling *George Edwards* and *Walter Colbourn*, the Committees of the Estate of *William Beckett Neachell*, a Person of unsound Mind, to make Conveyances for carrying into Execution an Agreement for the Partition or Division of the Real Estates of *William Orme* deceased, pursuant to an Order of the High Court of Chancery.
10. An Act for authorizing a new Entail to be made of those Parts of the Lands and Estate of *Blythswood* which lie in the County of *Lanark;* and for enabling *Archibald Campbell* Esquire, of *Blythswood*, the Heir in possession of the said Estate, and his Successors, with Consent of Trustees, to sell or grant Feus of

certain Parts thereof; and for other Purposes therein expressed.

11. An Act to enable *Archibald* Marquess of *Ailsa* to borrow a certain Sum of Money upon the Security of his entailed Estates of *Cassilis* and *Culzean*, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

12. An Act to authorize the Sale of the Fee Simple of the Estates of *Francis Hale Rigby* of *Mistley* in the County of *Essex*, Esquire, deceased, as devised by his Will, and for laying out the Monies to arise by such Sale.

13. An Act for selling the entailed Estate of *Schivas* in the County of *Aberdeen*, belonging to *Alexander Forbes Irvine* Esquire, and for investing the Price thereof in the Purchase of other Lands, to be entailed in lieu of the said Estate.

14. An Act for carrying into effect a Contract between *Edward Gresley Stone* and Thomas *Fulljames* Esquires, for the Sale to the said *Thomas Fulljames* of an Estate in the Parishes of *Hasfield*, *Ashleworth*, and *Corse*, in the County of *Gloucester*, Part of the Estates devised by the Will of *John Stone* Esquire, deceased, and for investing the Purchase Money in other Estates, to be settled to the same Uses; and for vesting certain other detached Estates in the Counties of *Gloucester* and *Worcester*, devised by the same Will, in Trustees, for Sale, and for investing the Monies arising therefrom in the Purchase of more convenient Estates, to be settled to the same Uses.

15. An Act to authorise the Sale of a certain Leasehold Estate in the County of *Kent*, Part of the settled Estate of the Earl of *Guilford*.

16. An Act to enable Sir *James John Randoll Mackenzie* of *Scatwell*, Baronet, to add certain Lands and Estates belonging to him in Fee Simple to his Entailed Estate, upon certain Terms and Conditions, and to borrow certain Sums of Money upon the Security of his entailed Estate, for Repayment of certain claims for Money laid out and to be laid out in Improvements upon the said Estate.

17. An Act for vesting in Trustees certain Parts of the entailed Estate of *Seaforth*, to be sold, and the Price applied in Payment of the Entailer's Debts, and the Surplus to be laid out in the Purchase of other Lands; for enabling the Heiress in Possession to borrow a Sum of Money on the Credit of the said entailed Estates; and for other Purposes connected therewith.

18. An Act for authorizing the Sale of certain Estates in the Counties of *Meath* and *Cavan*, limited by the Settlement executed on the Marriage of *Pearce Morton* and *Louisa Morton* otherwise *Somerville*, his Wife, and for applying the Monies thence arising in Payment of Incumbrances affecting the said Estates prior to said Settlement.

19. An Act to authorize the Sale of certain Estates and Mines belonging to the Chapel of *Willenhall* in the Parish of *Wolverhampton* in the County of *Stafford;* and to provide a Residence for the Incumbent of the Chapel.

20. An Act to enable the Guardian of *Henry Peach Keighley-Peach*, an Infant, to sell the next Presentation to the Rectory and Parish Church of *Idlicote* in the County of *Warwick.*

21. An Act for enlarging the Powers containe in the Will of Sir *John Ramsden* Baronet, deceased, to grant Leases in the Hereditaments in the Townships of *Huddersfield, Honley*, *Dalton*, and *Almondbury*, devised by such Will; and for other Purposes.

22. An Act for enabling the Trustees under the Will of the late Mr. *Jonathan Passingham* to grant Leases of the devised Estates, with Licenses to dig Brick Earth; and to raise Monies upon Parts of the said Estates; and for the Purchase of an adjoining Property; and for other Purposes.

23. An Act for enabling the Trustees under the Marriage Settlement of *William Henry Bowen Jordan Wilson*, Esquire to sell the Estates comprised in the same Settlement, and for laying out the Monies arising from such Sales in the Purchase of other Lands, to be settled to the same Uses.

24. An Act for enabling Trustees to sell the Estates devised by and settled to the Uses of the Will of *William Harris* Esquire, deceased, and for authorizing the laying out of the Monies arising therefrom in the Purchase of other Estates, to be settled to the same Uses.

25. An Act for carrying into effect a Compromise of a Suit for raising Portions for the younger Children of the right Honourable *Thomas* Lord *Le Despencer* deceased, out of the settled Estates of the said *Thomas* Lord *Le Despencer* deceased at *Mereworth* in the County of *Kent* and elsewhere in the said County; and also for authorizing the Sale and Exchange of certain Parts of the said settled Estates.

26. An Act to enable *Thomas Alexander* Baron *Lavat* to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.

27. An Act to enable the Trustees of the Will of Sir *George William Tapps Gervis* Baronet, deceased, to convey a Church at *Bournemouth* in the County of *Southampton* to Her Majesty's Commissioners for building new Churches, and to endow the same.

28. An Act for enabling the Trustees of the Will of *William Atkins Bowyer* Esquire, deceased, to grant building, improving, and other Leases of certain Estates at *Clapham* in the County of *Surrey*, devised by the said Will and the Second Codicil thereto to the Trustees therein named.

29. An Act for effecting an Exchange of the entailed Estate of *Rosehall*, belonging to the Right Honourable *James Edward* Lord *Cranstoun*, situated in the County of Sutherland, for certain Lands in the County of *Kineardine* belonging to *James Matheson* Esquire, of *Achany*.

30. An Act for confirming and carrying into execution certain Articles of Agreement made and entered into between *Charles James* Lord Bishop of *London*, *Thomas Thistlewayte* Esquire, *Thomas Somers Cocks* Esquire, *Christopher Hodgson* Esquire, the Company of Proprietors of the Grand Junction Canal, and the Grand Junction Waterworks Company; and for other Purposes therein mentioned.

31. An Act for vesting certain Parts of the Estates of *William Devaynes* Esquire, de-

ceased, in Trustees, upon trust to be sold; and for paying off a Mortgage Debt of Eight thousand two hundred Pounds due to *James Parkinson* Esquire, out of the first Purchase Monies; and for laying out the Residue of the Purchase Monies, under the Direction of the Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.

32. An Act for annexing to the united Bishopricks of *Down, Connor,* and *Dromore* the House known as *Down and Connor House*, with the Appurtenances; and for other Purposes.

33. An Act to confirm certain Contracts for Leases made and entered into by *James Weller Ladbroke* Esquire of Lands and Premises at or near *Notting Hill* in the County of *Middlesex;* and to alter and enlarge the Powers of an Act passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to enable* James Weller Ladbroke *Esquire and others to grant Building Leases of Lands in* Kensington, Paddington, Notting Barns, *and* Westborne, *in the County of* Middlesex; and for other Purposes relating thereto.

34. An Act to explain an Act passed in the First Year of Her present Majesty, intituled *An Act for authorizing the Sale and Exchange of the Real Estate devised by the Will of the Right Honourable* William Henry *Earl of* Rochford *deceased, and for the Application of the Produce thereof; and for authorizing the granting of Leases of the same Estate; and for other Purposes;* and for extending the Operation of such Act to certain Parties whose Consent thereto was required.

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NOT PRINTED.

35. An Act for naturalizing *John Frederick Sang.*
36. An Act for naturalizing *Samuel Schuster.*
37. An Act for naturalizing Dame *Susan Victoria Regina,* Widow of Sir *James Nugent* Baronet, deceased.
38. An Act for naturalizing *Antonio Lascaridi.*
39. An Act for naturalizing *Michael Spartali.*
40. An Act for naturalizing *Paul Cababé.*
41. An Act for naturalizing *Frederick Figge.*
42. An Act for naturalizing *Henri Victor Malan.*
43. An Act to enable *Mary Bean,* Widow, and her Issue, and *Edward Whitley,* Esquire, and *Charlotte,* his Wife, and the Issue of the said *Charlotte Whitley,* respectively to take the Surname and use the Arms of *Rodbard.*
44. An Act for naturalizing *Dionysius Onufri Marianski.*
45. An Act to dissolve the Marriage of *Samuel Archbutt* the younger, Gentleman, with *Mary Amelia* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
46. An Act for authorizing the Endowment of the Curacies of *Werrington* and *Saint-Giles-in-the-Heath* in the County of *Devon,* and the Alienation and Conveyance of the Rights of Patronage of the same Curacies respectively to Persons who shall further endow the same; and for other Purposes relating thereto.
47. An Act to dissolve the Marriage of *John Cheape* Esquire, a Lieutenant Colonel in the Military Service of the Honourable *East India* Company, with *Amelia Frances Chicheley Cheape* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
48. An Act to dissolve the Marriage of *William Hough,* a Major in the Military Service of the Honourable *East India* Company, with *Sophia* his now Wife, and to enable him to marry again; and for other Purposes.
49. An Act to dissolve the Marriage of *Thomas Foreman Gape* with *Fanny Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE FOURTH SESSION OF

THE FOURTEENTH PARLIAMENT OF THE UNITED KINGDOM,

7° & 8° VICTORIÆ,

1844.

EXPLANATION OF THE ABBREVIATIONS.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*,—Lords.—*c.*, Commons.—*o. q.* Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that Reading.*

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